

PLANNING COMMISSION AGENDA
COEUR D'ALENE PUBLIC LIBRARY
LOWER LEVEL, COMMUNITY ROOM
702 E. FRONT AVENUE

DECEMBER 13, 2022

THE PLANNING COMMISSION'S VISION OF ITS ROLE IN THE COMMUNITY

The Planning Commission sees its role as the preparation and implementation of the Comprehensive Plan through which the Commission seeks to promote orderly growth, preserve the quality of Coeur d'Alene, protect the environment, promote economic prosperity and foster the safety of its residents.

5:30 P.M. CALL TO ORDER:

ROLL CALL: Messina, Fleming, Ingalls, Luttropp, Mandel, McCracken, Ward

PLEDGE:

APPROVAL OF MINUTES: ***ITEMS BELOW ARE CONSIDERED TO BE ACTION ITEMS.

November 8, 2022 (Regular Meeting)

November 10, 2022 (Joint Workshop for the Planning and Zoning Commissions of Coeur d'Alene, Hayden, Post Falls, Rathdrum, Athol, and Kootenai County)

PUBLIC COMMENTS:

STAFF COMMENTS:

COMMISSION COMMENTS:

PUBLIC HEARINGS: ***ITEMS BELOW ARE CONSIDERED TO BE ACTION ITEMS.

1. Applicant: Pinetree Health Group
Location: 1114 W. Ironwood Drive
Request: A proposed Food/Beverage special use permit in the C-17L zoning district QUASI-JUDICIAL,(SP-4-22)

Presented by Tami Stroud, Associate Planner

2. Applicant: Rivers Edge Apartments, LLC
Location: 3528 W. Seltice
Request: .
 - A. A modification to the Rivers Edge PUD QUASI-JUDICIAL, (PUD-2-04m.2)
 - B. A proposed R-34 Density Increase special use permit QUASI-JUDICIAL, (SP-5-22)
 - C. A proposed zone change from R-12PUD, C-17PUD to R-17 QUASI-JUDICIAL, (ZC-3-22)

Presented by Mike Behary, Associate Planner

ADJOURNMENT/CONTINUATION:

Motion by _____, seconded by _____,
to continue meeting to _____, __, at __ p.m.; motion carried unanimously.

Motion by _____, seconded by _____, to adjourn meeting; motion carried unanimously.

**The City of Coeur d'Alene will make reasonable accommodations for anyone attending this meeting who requires special assistance for hearing, physical or other impairments. Please contact Shana Stuhmiller at (208)769-2240 at least 72 hours in advance of the meeting date and time.*

****Please note any final decision made by the Planning Commission is appealable within 15 days of the decision pursuant to sections [17.09.705](#) through [17.09.715](#) of Title 17, Zoning.***



MINUTES



**PLANNING COMMISSION
MINUTES
NOVEMBER 8, 2022
LOWER LEVEL – LIBRARY COMMUNITY ROOM
702 E. FRONT AVENUE**

COMMISSIONERS PRESENT:

Tom Messina, Chairman
Jon Ingalls, Vice-Chair
Lynn Fleming
Phil Ward
Peter Luttrupp
Sarah McCracken
Brinnon Mandel

STAFF MEMBERS PRESENT:

Hilary Patterson, Community Planning Director
Tami Stroud, Associate Planner
Mike Behary, Associate Planner
Shana Stuhlmiller, Public Hearing Assistant
Randy Adams, City Attorney

COMMISSIONERS ABSENT:

CALL TO ORDER:

The meeting was called to order by Chairman Messina at 5:30 p.m.

APPROVAL OF MINUTES:

Motion by McCracken, seconded by Ward, to approve the minutes of the Planning Commission meeting on October 11, 2022. Motion approved.

PUBLIC COMMENTS:

COMMISSION COMMENTS:

STAFF COMMENTS:

Hilary Patterson, Community Planning Director provided the following statements.

- Ms. Patterson announced on the December 13th Planning Commission agenda we have a special use permit for a food/beverage use and a three-part request for River's Edge.
- She stated that there is a workshop on Thursday, November 10th that is a Multijurisdictional Planning Commission Workshop that is open to the public with no public comment. She added this will be held at the County Administrative Building from 5:30-7:00 p.m. The topic will be information on housing and growth issues.
- She stated that she attended the Placemaking Institute in Rhode Island which was invitation only with some great discussion on Historic Preservation and placemaking
- She announced there is a forum next week put on by DART (Dedicated Accountable

Responsible Together) a non-partisan group of community minded residents that have been doing these forums. The subject next week is growth. It will be on Thursday, November 17th starting at 6:00 p.m. at the Harding Center. I will be part of the panel including David Callahan, Community Development Director for Kootenai County, Alan Dykes and Scott Haug representing NIBCA (North Idaho Building Contractors Association), and Kiki Miller who helped launch the Regional Housing Growth Issues Partnership. Dave Childs will be the moderator.

PUBLIC HEARINGS

1. Applicant: Richard and Susan Bennett
Location: 1095 E. Timber
Request: A proposed zone change from R-3 to R-8
QUASI-JUDICIAL, (ZC-2-22)

Hilary Patterson, Community Planning Director, presented the staff report and stated:

- Richard and Susan Bennett are the owners of the property and applicant for the requested zone change.
- The applicant has indicated that they are requesting the R-8 zoning to make the use more compatible with the neighborhood land use.
- If the zone change is approved, the applicant is proposing to remove all structures, proceed with a minor subdivision to create two lots – a single-family lot and a duplex lot.
- The applicant's narrative states that they would like to build a single-family home on a future lot 1 on the western half of the property and a duplex on a future lot 2 on the east side with a shop in the rear with access off of Violet Lane.
- The subject property has all utilities available on Timber Lane for proposed development. The current property has a frontage of 130 feet and the lot depth is 320 feet.
- It should be noted that all allowable uses would be permitted in the R-8 zoning district if the zone change is approved.
- This request is not a conditional zoning and the applicant/owner would not be limited to the one single-family home and duplex with a shop that are indicated in the application. See page 18 for the list of currently allowable uses in the R-8 zoning district.
- The subject property was one of seven areas the City of Coeur d'Alene annexed into city limits in October of 1982 (hearing: ZC-7-82-A). This particular area was known as "AREA #7" which totaled 466+/- acres according to the staff report.
- Approximately two months later, a zone change application was received from sixteen neighbors totalling approximately 14.5 acres. At that time, the justification provided read as follow, *"I and my surrounding neighbors would like to keep the area in question as a one family unit are we all have large wooded lots now. The two adjacent sub divisions, Forrest Park & Hoffman Estates are already R-3."* The request was approved for a down zone from R-8 to R-3 (hearing: ZC-14-82). The subject property was one of the down zoned parcels.
- She stated that the Comprehensive Plan categorizes this parcel as Compact Neighborhood.
- She addressed the findings and noted that all city departments indicated no issues with the proposed zone change
- She added that there are no conditions for approval

Ms. Patterson concluded her presentation

Commission Comments:

Commissioner Mandel asked where Honeysuckle commons located from this property. Ms. Patterson noted on the map where Honeysuckle Commons is located and clarified that they also have a gas line going through the property.

Commissioner Fleming inquired if the Fire Department had any concerns that the street names aren't connected with Mallard being more dominate. Ms. Patterson explained that we have a lot of roads within the city that are in the same situation. As an example, Kathleen/Margaret. Now we are working with the county where they review the street names and makes sure there aren't any duplicates and also to ensure that street extensions have the same name. But, for the ones that exist, it's difficult to change because you have to get all the property owners to change their address, which can be messy.

Commissioner Ward asked for clarification on whether the applicant is allowed to have only three units and since Violet isn't a public road access, wouldn't they be allowed to access those lots. This is probably the reason why the applicant had to subdivide the lot the way he did. Ms. Anderson commented that is correct and explained that existing utilities are off of Timber Lane and it is correct that Violet isn't a public road.

Commissioner Ingalls noted in the applicant's narrative that he states that this parcel is surrounded by all sides by R-8 and looks like only two sides are R-8 which looks like a "checkerboard." He questioned if this property is considered "spot zoning". Ms. Patterson explained if the lot is abutting and across the street from R-8 that wouldn't be considered "spot zoning." As an example, if we decided to put C-17 in the middle of only residential neighborhood versus neighborhood commercial it wouldn't fit since there isn't any other C-17 properties in the area. Mr. Adams explained that the commission has discretion given there is R-8 and R-3 in this area which in his opinion wouldn't be considered "spot zoning".

Chairman Messina inquired if R-8 has been the designated zoning in this area for a long time. Ms. Patterson explained that R-8 was recently approved for a parcel in this area last year. Chairman Messina inquired if the rest of the R-8 to the right of the property been there for a while. Ms. Anderson stated that is correct and was part of that big annexation done in 1982 that was zoned R-8 and then the property owners came forward requesting that the 14.5 acres be down zoned to R-3.

Public testimony open.

Richard Bennett, applicant, provided the following statements:

- He explained that he bought his property over 20 years ago and liked the area. It felt like living in the country.
- He stated his intent is to build another house and has tried for 3 years and could never figure out how to get it to work. He added that he has had talked to staff many times with the problem that I'm 200' square feet short of an acre.
- He stated that he tried again and talked to staff and noticed all the R-3's and R-8's and since this area used to be zoned R-8 and now is R-3. This is the reason why I'm requesting an R-8.
- He explained that his intent isn't to build a subdivision. After hearing concerns from the surrounding neighbors, who after reading the public hearing notice, were thinking he wanted more units. But what he is seeking is to build one home for his family with the understanding if granted an R-8, he will split the lot into 2 lots which will allow two houses

on the lot with plans to remove the existing two homes on the lot and replace them with a duplex that will be facing Timber Lane.

The applicant concluded his presentation.

Commission Comments:

Commissioner McCracken inquired about the pipeline going through the property and questioned the location and setbacks. Mr. Bennett stated the pipeline is on the eastside of the property 100' from Timber Lane and on the west its 200 feet with my property sitting at a diagonal allowing more room to build in the back. That is the reason why I'm putting the single-family home in the back since there is more room. Commissioner McCracken inquired what will be the setbacks to the pipeline. Mr. Bennett explained that the easement states 15 feet and the pipeline representatives are wanting 50 feet which I have never received a notice regarding that change. He added the previous owner didn't have a problem letting him build 15 feet from the pipeline but the new owners want 50 feet. But they did tell me they would work with me.

Shawn Kay stated he lives on Violet and after some digging, he found that there is no easement recorded on that road. He explained on further investigating found a road easement dated 1997 and because of that doesn't know how if he proposes a shop with the door accessing Violet would work when he has to go across my property to get to the shop.

Commissioner Luttrupp inquired when this goes through the permitting process would some of these things be addressed. Ms. Patterson explained when a subdivision was created, we would work through some of those issues with the proof of any easements and if it was a true road on both sides the code requires that no double frontages so a restriction to access with a condition saying no access off of Violet Lane.

Commissioner Ingalls appreciates the testimony and that this is a zone change where we have been looking at details of construction with those details coming later in the permit process.

Don Boyd explained that he thought this request was for one house and after talking to the applicant surprised with the intent to build a duplex. He stated his concern is Violet Lane as access and the pipeline going through the property, and is concerned if something happens to the applicant the R-8 stays and the new owners may want to build something else other than single-family residential.

Rebuttal:

Mr. Bennett provided the following statements.

- He explained that he has access to Violet and if approved his driveway will enter both lots through Timber Lane and plans to put in a paved driveway from Timber Lane to both lots and then to fence it off.
- He addressed his future plans and what he is proposing is something reasonable that will provide an additional rental unit for someone to help with the housing shortage.

Public testimony closed.

Discussion:

Commissioner Luttrupp inquired if we can add a condition stating that the applicant can only put three homes on his lot which in previous testimony, he said he would and if that was possible. Mr. Adams explained that you can't put a condition on a zone change but we could put that in a Development Agreement that can be done with a zone change. Commissioner Luttrupp inquired if the property is sold would that agreement stay with the property. Mr. Adams answered that is correct. Commissioner Luttrupp stated that is a great tool and something we should consider using in this case.

Chairman Messina inquired can we request to do a Development Agreement on this item. Ms. Patterson explained if the Planning Commission recommends a Development Agreement be done and then City Council will make the determination if that is something they want to do.

Commissioner Fleming stated that the applicant is intending to put on the property a duplex and single-family home and because of the restrictions with the pipeline setbacks would he be able to put in 8 units knowing that he is shy 200 feet less than an acre. Ms. Patterson noted on page 19 in the staff report it states that he could potentially get 7 units but would have to have a public road and that is based on speculation since we didn't further ask if it was feasible. Commissioner Fleming questioned that if it was worth it putting a condition for 3 homes if it wasn't feasible to do that with the lot restrictions.

Commissioner Ward explained that any Development Agreement can be released by the city and inquired if the Development Agreement can say "limit to three units" unless released after a public hearing where the public gets there input again and he questioned if that's possible. Mr. Adams explained that the City would need to approve the removal of a Development Agreement.

Chairman Messina inquired if the property is sold that has a Development Agreement questioned if that can be terminated. Mr. Adams answered that new owners can request it be terminated.

Commissioner McCracken agrees with Commissioner Fleming that the challenges to the site because of the pipeline and any more than three homes would need to come back to the commission and feels we don't have to make it complicated.

Motion by Fleming , seconded by McCracken , to approve Item ZC-2-22.

Commissioner Luttrupp inquired in the motion are we going to include a Development Agreement and will not support the motion since the applicant stated that he would support a condition.

Chairman Messina concurs with Commissioner Luttrupp and that a Development Agreement would benefit the neighborhood and without that condition, he won't approve the project.

Commissioner Ingalls asked before he calls for a roll call if Commissioner Fleming would like to amend her motion and include a Development Agreement. Commissioner Fleming stated that she would amend her motion to approve the zone change from R-3 to R-8 and include a Development Agreement that states to include one single family and one duplex on this specific lot.

Commissioner McCracken inquired if the owner could do a deed restriction to that density or is the only tool to use is the Development Agreement. Mr. Adams explained that would be more

complicated than a Development Agreement.

**Motion by Fleming, seconded by McCracken, to approve the amended motion for Item ZC-2-22.
Motion approved.**

ROLL CALL:

Commissioner Fleming	Voted	Aye
Commissioner Ingalls	Voted	Aye
Commissioner Mandel	Voted	Aye
Commissioner McCracken	Voted	Aye
Commissioner Luttrupp	Voted	Aye
Commissioner Ward	Voted	Aye
Commissioner Messina	Voted	Aye

Motion to approve carried by a 6 to 0 vote.

2. Applicant: RC Worst and Company Inc.
Location: 601, 603 & 609 E. Best Avenue
Request: A proposed Warehouse/Storage special use permit
In the C-17 zoning district
QUASI-JUDICIAL, (SP-3-22)

Tami Stroud, Associate Planner presented the staff report and stated:

- RC Worst is a plumbing supply company, and they are proposing to store related supplies and equipment in the storage yard such as pipes, pumps, and other related items. There are no proposed structures on this property other than the existing storage containers, which will be retained and moved to a different location on the lot. These containers will be used for storing equipment and supplies that require shelter from the elements.
- The 2024 Comprehensive Plan identifies this area as "Retail Center/Corridor." There are several businesses and shops located along Best Avenue. Expansion of RC Worst's storage yard in this area is consistent with the future land use map. The area that is already being used as a storage yard has an existing approach off 6th Place. The west parcel has frontage along 6th Street where a new access is being proposed in alignment with the existing access off 6th Place. There are no proposed connections to water and sewer. However, there are water and sewer services existing onsite.
- She noted that all city departments reviewed and didn't have any issues with the application.
- She stated if approved there are 11 conditions for considerations and staff did add 1 more condition which states
 - "The applicant would provide 6 foot side obscuring fence"

Ms. Stroud concluded her presentation

Commission Comments:

Commissioner Fleming stated this is a company who is expanding and growing and concerned

about 6th Street and cross traffic with 6th Street. The area is all residential except the corner and inquired why they are not required to have the pickup/drop off to be on Best Avenue so big trucks aren't required to enter on 6th Street.

Commissioner Ward inquired if this was a non-conforming use. Ms. Stroud explained that the property owner has been in business since the 50's and over time they expanded into the adjoining yard and later came to us with the request for another recognizing this wasn't a conforming use and why they had to get a special use permit so the property would be in compliance.

Public testimony open.

Jeramie Terzulli, applicant representative, provided the following statements:

- He provided some background on the company that began in the 50's purchased the property in 1955, purchased 11 acres on Best Avenue.
- He explained that the applicant went into the "grey area" and thought that this lot would be an accessory to the principal use and that staff said that wasn't correct and required a special use permit.
- He provided a site plan showing the surrounding uses and noted the improvements that are proposed and they will extend the existing sidewalk for connectivity.
- He noted that we will be proposing a site obscuring fence around the entire perimeter and have agreed to pave the yard and because it will be paved, they will provide stormwater in the swale on the property which will also count as a buffer.
- He provided a map overlaying the applicants property and how it compares with the properties to the north showing the alignment with the existing properties.
- He noted that they agree with all the conditions and stated that this property blends with the existing properties in the area with commercial to the east.
- He noted the operating hours for the business are 8-5 Monday thru Friday and closed on weekends.
- He stated with the addition of the vegetative buffer will also help with noise buffering along Best Avenue.
- He explained at the direction of the city engineer and staff they recommended no access off of Best Avenue which is required and if a redesign is necessary wouldn't be a problem.

Commissioner Ingalls inquired if this is approved and a condition was added that access come off of Best Avenue would you agree. Mr. Terzulli answered they would consider that and if not worked out would have to come back to the commission.

- He explained that since this is a storage yard feels that the trips generated would be less and because there is not a lot of inventory and the lot is clear would result in less trips.
- He explained the last time he attended a hearing one of the commissioner's suggested to talk to neighbors and he did talk with the neighbors to the north of this property who has some concerns and are here tonight and we have opened dialogue regarding fence placement if approved, visual/noise blocking and dialogue is open and will be willing to work with them through the design phase.

The applicant concluded his presentation.

Commission Comments:

Commissioner Ward inquired if shipping will be allowed throughout the day or are there set hours. Mr. Terzulli explained that he isn't the owner, but understands it's an ongoing process where employees show up at 7:00 a.m. open the gate with shipments coming/going throughout the day. Commissioner Ward inquired if the fencing around the property will that be site obscuring. Mr. Terzulli answered would be a site obscuring fence. Commissioner Ward concurs with Commissioner Fleming regarding the driveway on the eastside but agrees with staff we don't want a lot of vehicles exiting off of Best Avenue.

Lynn Morrow stated that they live on 6th Place and is concerned with the fence that separates our property from their yard and would like to request that the fence remain since we do have animals and if not left would have to put in a new fence. She noted the trucks coming/going in the winter with the employees parking on both sides of the road and the trucks come down 6th into their yard so in the winter it makes one lane that prevents the plows to plow the street.

Wade Morrow stated that he understands the current growth and expanding but if you out grow an area when there are huge trucks coming down 6th Place trying to turn into their yard. He added that he is concerned about future expansion and would like clarification on the buffer they intend to put between them and the neighborhood. He added that he is concerned that the applicant removed all the trees that boarded the property and 6th Place that was taken out years ago and asked if the trees are replaced with arborvitae who will take care of them if they get infested.

Ms. Morrow added if there could be a sign on 6th Place stating "no overnight truck parking" because trucks park on the street overnight with the trucks running all night which is disruptive to the neighborhood because of the noise especially when you have to go to work early and the truck is close to your bedroom.

Chairman Messina inquired if there are any parking regulations in our code for employees and trucks. Ms. Patterson explained that she hasn't looked at the existing use to figure out the parking and from looking at the site plan it looks like they have plenty parking available on their property and wondered if the employees are choosing to park on the street rather than their lot for convenience. Mr. Adams explained that there is a requirement for onsite parking but no parking limitations in that area and if there is ongoing truck noise to contact code enforcement if it exceeds the noise limit which can be addressed.

Kathy Compton stated that she is concerned about light/noise pollution and not opposed to the project which is progress and was aware about this last night. She added that she has been over to R.C.Worst to get clarification and never got a straight answer what was going on. She stated that she lives on 6th Street that is a residential street with a lot of activity and to have trucks use this street is devastating and concurs trucks should exit on Best Avenue. She added the buffer is huge and would want to be part of the planning process.

Rob Dixon commented he doesn't want traffic on 6th Street.

Rebuttal:

- Mr. Terzulli stated he appreciates the comments and if approved will keep dialogue with neighbors.
- He explained that the design was driven by city staff including a vegetative buffer on the outside of the perimeter of the property and the realignment of the fence will be an upgrade to the existing fence.
- He noted the removal of the trees and that the applicant wasn't aware and thought this was an accessory to their existing use and the trees were removed without knowing about process.
- He stated that they will work staff about going out on Best Avenue since this was a requirement from the city engineer to not allow access onto Best Avenue.
- He stated he understands the neighbors' concerns and will be willing to work with the neighborhood.
- He explained that if RC Worst out grows this property this parcel would be sold and at a C-17 zoning, apartments would likely be put on the property as the highest and best use. That probably won't happen because the applicant intends to work with the surrounding property owners to come up with a solution that works with everyone.

Chairman Messina inquired if we would need the City Engineer's permission to exit onto Best Avenue. Ms. Patterson explained unfortunately herself and Ms. Stroud weren't involved with the project review meeting and suggested maybe something that could be evaluated and work with staff on the feasibility of access off of Best Avenue than 6th Place and Street. Mr. Adams added another issue to consider is the street trees along Best Avenue which might cause some vision issues if coming off of Best Avenue.

Commissioner Mandel inquired if we could put a condition stating that we require a feasibility study including ingress/egress of Best Avenue and parking issue on 6th Street/Place that might be a code enforcement issue and have a sign saying no parking on the southern part before its residential and would this come back to us. Ms. Patterson explained that staff would work with the applicant on the conditions through the process including a site plan and that the parking issue would have to work with the city engineer that they don't like to do "resident only" parking areas but maybe the applicant could talk to their employees and have them enforcement especially the trucks that are parking overnight.

Commissioner Luttrupp stated that we would need to get clarification from the city engineer if that would be feasible regarding parking.

Commissioner McCracken explained that when the building was originally constructed parking was calculated based on their staff at that time and as a condition for parking to have that recalculated for today and if needed make off street parking available on those two parcels for their staff.

Commissioner Ingalls stated after listening to staff would to add a condition that the applicant to continue a dialogue with staff on issues with parking, access and Urban Forestry.

Commissioner Ward commented that he doesn't want to stop progress on an established business to grow but if this came before us as a new application it would be denied being not compatible and after hearing comments from the surrounding neighbors regarding their concerns with traffic and noise would suggest we defer the application let the applicant meet with the owner and bring back something to us that addresses the situation.

Mr. Terzulli regarding adding a condition to access off of Best Avenue we would need to talk with the City Engineer and if he say's no, the application is denied. He added we will talk with the homeowners and how do we enforce parking on their parking and that the applicant can tell their employees to park on their own lot but would be tough to talk with the owners of the trucks and how is that enforced. He asked that to please consider the conditions especially since they may not be met.

Commissioner Luttrupp stated that he has a lot of faith in the City Engineer and the decision that needs to be made.

Public testimony closed.

Commissioner Ingalls commented that we have a decision before us that is uncertain and don't know if access will be recommended by City Engineer. He added that for him we have two approaches one is we could add a condition to say "that the applicant continue to work with city staff on issues with parking/access" and two we could deny the application or deny without prejudice that the applicant can come back sooner in detail.

Discussion:

Commissioner Mandel concurs with Commissioner Ward and explained when we place conditions on staff recommendation or something very specific, we can measure and without the engineer not here tonight and rather the applicant comeback to us and then place a condition that has "some teeth" to it that would stick. She suggested to work on the boundaries with the north neighbors, egress/ingress and issue with parking.

Commissioner McCracken concurs and regarding parking don't know what time of day the photos were taken and agree for the applicant to comeback after talking to the neighbors and staff.

Chairman Messina concurs and suggested maybe putting in a temporary fence along the empty lot for safety issues.

Ms. Patterson suggested that this item can be tabled so the applicant can have time to talk with staff and bring back a refined proposal to a date certain to the meeting on January 10th.

Commissioner Fleming concurs and suggested the applicant show us how the traffic flows and maximize the use of the lot that protect the agencies.

Motion by Messina , seconded by McCracken, to table Item SP-3-22 to the next Planning Commission Meeting on January 10th. Motion approved.

3. Applicant: Dennis Cunningham
Location: Beebe Boulevard & Lakeview Drive
Request:
- A. A modification to the proposed PUD known as "The Union PUD" QUASI-JUDICIAL, (PUD-3-19m1)
 - B. A modification to the proposed preliminary plat known as "The Union" QUASI-JUDICIAL, (S-4-19m1)

Mike Behary, Associate Planner presented the staff report and stated:

- In 2019 the applicant was approved for a residential and mixed use planned unit development (PUD).
- The 2019 PUD was originally approved on 3.6 acres that allowed 23 residential lots and one commercial mixed-use lot to be known as "The Union" in the C-17 zoning district.
- The proposed modification request pertains to the commercial mixed-use lot (Lot 24). The proposed modification request is to have Lot 24 of the Union split into 10 residential lots, and 1 mixed-use lot. This will add 11 dwelling units to the PUD and will reduce the commercial lot from 29,482 SF to 5,366 SF. The proposed PUD amendment will use the existing public street that was approved in the original PUD in 2019.
- The lots will all have access off of Union Drive. The applicant has indicated that the proposed commercial mixed-use development is proposed to be a three-story structure. The first floor will consist of two entry lobby areas with elevators, garage space, and a shop/storage area.
- The second floor will be used for commercial use. The third floor will consist of one residential unit. All of the required parking for this mixed use will be provided on the commercial mixed-use lot.
- The 10 additional residential lots will have single family attached houses on them. Attached single family dwellings share a common wall with another home that is separated by a property line. The applicant has submitted building elevations of the proposed mixed-use facility and the proposed residential dwellings. (See building elevations on pages 16 thru 18).
- The applicant has also submitted a PUD site plan that shows the proposed site layout and the building locations on the proposed PUD. (See site plan on page 11). The applicant has indicated a five-foot building setback from the side property lines for the residential lots, which will equate to a ten-foot setback from structures, this is consistent with what was approved in the original PUD in 2019.
- The open space requirement for a PUD is no less than 10% of the gross land area. The applicant's proposed PUD modification won't change the open space for the project. It will still have a total of 10% of the total gross land area dedicated toward public open space. The proposed open space is consistent with what was approved in the original PUD, with a total of three open spaces areas placed in separate locations across the whole PUD development.
- One of the open space areas will be located at the northwest end of the property and is part of the mixed-use development. This public open space area will be a patio area that can be accessed by the public directly off of Centennial Trail and off of Beebe Boulevard.
- The second open space area is a 10-foot trail connection and grass area that will provide trail connectivity to Centennial Trail to the trail that access north to Riverstone. The third open space area is located on the southeast part of the property and can be accessed by the public directly off of Centennial Trail. This open space is proposed to have picnic

tables, turf grass, box planters, native grasses with boulder and wildflower plantings.

- This public open space area will also have a public sidewalk connection to Lakewood Drive's sidewalk to the north. (See Open Space Plans on Pages 20 & 21). These two public open space areas are currently under construction and close to completion.
- The applicant has indicated that if the PUD modification is approved then site improvement and site infrastructure work would begin Spring 2023. The proposed PUD modification will increase the overall density from 7.2 units per acre to 9.4 units per acres which is less than the 17 units per acre that is allowed in the C-17 zoning district.

PLANNED UNIT DEVELOPMENT MODIFICATION REQUESTS:

The applicant is requesting the following deviations from existing standards:

- Front Setback: 10' rather than 20' *Same request as was approved in the original PUD*
- Rear Setback: 8' rather than 25' *Same request as was approved in the original PUD*
- Side Yard Setback: 5' and 5' rather than the 5' and 10' as required for lots without alley access. *Same request as was approved in the original PUD*
- Unit Types: (Twin Homes) zero (0') feet/shared wall rather than 5 feet. *Same request as was approved in the original PUD*
- Minimum Lot Area: 1,730 SF rather than 2,175 SF ***that was approved in the original PUD***
- Minimum Lot Width/Frontage: 21' rather than 27' ***that was approved in the original PUD***
- Right-of-Way width: 34' rather than 55' *Same request as was approved in the original PUD*
- Sidewalk on only one side of the street. *Same request as was approved in the original PUD*

- Minimum Building Height - Single Family and Duplex: 40' rather than 32'. ***This modification was not requested in the Original PUD***

- Mixed-Use Lot (Lot 35):
 - Rear Yard Setback 5' rather than 8' ***that was approved in the original PUD***
 - Side Yard Setback 3' rather than 5' ***that was approved in the original PUD***

- He stated that the Comprehensive Plan Place type as: Planned Development
- He noted the required findings including staff departments indicating that all departments can serve the proposed PUD and Subdivision.
- He stated if approved there are eight conditions for approval.

Mr. Behary concluded his presentation

Commission Comments:

Commissioner Ingalls stated that it was stated that the applicant isn't requesting any deviations from parking and that this project meets the 2 spaces per unit city requirement however, the City

Engineer indicated in the staff report that the existing street width won't allow any on street parking which would result in an enforcement issue pushing overflow parking to other areas and questioned if there are other areas available for overflow parking. Mr. Behary commented that there are no deviations requested for additional off-street parking. Commissioner Ingalls questioned if this had stayed as commercial project inquired if there would have been overflow issues. Mr. Behary stated with his previous proposal the applicant did meet the minimum requirement for parking based on the commercial/mixed use lot.

Chairman Messina stated that the applicant is proposing an increase to height to 40 feet and inquired what are the surrounding heights in the area. Mr. Behary answered that all the surrounding buildings are 32 feet.

Commissioner Ward noted that the orientation of these homes is towards the Centennial Trail with the garages in the rear. Mr. Behary explained that parking will be along Union Drive and the garages will be along Union Drive however, patios and open space will have pedestrian access to the trail rather than vehicle access. Commissioner Ward inquired how tall are the proposed homes. Mr. Behary answered they are proposed to be 40 feet.

Commissioner Luttropp inquired if staff can explain where is the overflow parking and is this a private street or public street. Mr. Behary stated that it is a city street and that the applicant had requested a deviation for additional width that was approved with the original PUD. Commissioner Luttropp commented that we should have a standard for over flow parking.

Commissioner McCracken inquired about the lot width that has been reduced from 27 – 21 feet with more units with more visitors.

Commissioner Fleming inquired about the parking lot to the south and is that paid parking or designated parking for residential and commercial. Mr. Behary noted the parking is for the mixed-use residential parking. Commissioner Fleming stated if you can bike it, walk it, hike it don't bring more cars to the party so this might be another method for people to choose other methods for transportation and don't think we need to force more parking/asphalt in an already compressed area.

Public testimony open.

Christine Baker, applicant representative, provided the following statements:

- She explained that we are proposing to take lot 24 of the original Union and split it into 10 residential lots including an open space tract.
- She explained that we do meet the open space requirements set with the original PUD.
- She noted that at the advice of Chris Bosley, City Engineer we will be taking out the existing pavement and in order not to do many pavement cuts on a new road will only take out the portion we need.
- She explained the deviations we are requesting is a 3-foot side setback on the mixed-use lot that would be butting against the open space and not against another house.
- She showed a rendering of the proposal and that the open space would be accessible to Beebe and the Centennial Trail with bike racks.
- She stated that we do meet the parking requirement and we do have offroad paved parking spaces per unit with parking in front of the units that exceed the requirement.
- She noted that we aren't adding any impervious area within the right of way. She added that we worked closely with the City Engineer to make sure traffic doesn't end up on Union Drive.

- She added with this amendment we will provide 150 parking spots with the full build out and have designated on street parking on the north side for a portion of the Union that is wider and put “no parking signs” on the southern and have put no parking on the northern side and working with code enforcement.

Ms. Baker concluded her presentation.

Commissioner Fleming inquired why the need for the additional height which is a four-story flat roof building. Ms. Baker explained the measurement is to the peak of the roof. Commissioner Fleming stated that it seems very high compared to the others that are 32 feet and understands the added height for a commercial building, but for residential it’s a struggle.

Dennis Cunningham, applicant, explained the 10 units will have elevators in each unit and the reason is we haven’t seen a market in Coeur d’Alene where there is a 3-story structure with a master on the upper level with the average buyer of these units is an older buyer. He stated that wanted to provide a universal concept to be able to get from one floor to another. He explained the two-car garage is 3-story so the 40 feet are a small percentage of the peak. He explained that this project is similar to what was approved by Red Robin. He added we might have some modifications before it gets to permit.

Karen Schomer stated she lives in Riverstone and commented that Union Drive is a very narrow street with narrow driveways. She added driving on Union Street from Lacrosse cars are parallel parked and not parking in their garage. She added the area is dense and the architecture doesn’t fit with the other units.

Karen Hansen commented that she likes Mr. Cunningham’s product but all the contractors are seeking more changes and thinks this should stay the same and is opposed to the 40 feet height limit.

Kerstin Lindstrom stated she lives in the area and has seen many changes. She has concerns about the parking and has attended many meetings where the parking is fine in one area but we have to look at the big picture. She added that this area many years ago used to be open and now it’s getting so congested.

Gia Schwartzer stated that she has concerns about not enough parking and in the renderings showing two cars going down the road which is impossible. She added that people park in front of the garage and questioned where is parking available for the mixed-use building.

Rebuttal:

Ms. Baker provided the following statements.

- She noted the parking for the mixed-use building will be handled on that parcel with four carports under the building, with two parking spaces available in front which meets the parking requirement.
- She noted in the staff report Chris Bosley did look at the trip generation for the PUD and he stated since we are shrinking the mixed-use building and increasing the residential would be less intensive use and keeping the mixed-use building would decrease traffic.
- She stated that we have exceeded the parking requirements for residential.

Commissioner Fleming inquired if this new development will be part of the existing HOA and does the HOA have any Short-Term Rental (STR) restrictions. Mr. Cunningham explained that there is

one home out of the 12 that are existing in the original that has a permit with the city to do a STR which is a single family detached. He noted parking and noticed in the morning on Union Drive which is allowed and walk across over to Bellerive building and when that gets challenging when the seasons changes, we get a lot of parking since the parking was eliminated across from Beebe. He explained that Beebe doesn't allow any overnight parking and that on Union we have 32 spaces on the street and we have the help from code enforcement if we see anyone parking on our street. He added the drive way depth does meet those requirements. He added we want to be a good neighbor

Commissioner Luttrupp inquired how many parking spaces are required. Ms. Baker comment that she doesn't have the plan in front of her so hard to estimate. Commissioner Luttrupp inquired if this revision is requiring more parking. Ms. Barker explained with the previous and this revision meets the requirement for parking.

Chairman Messina stated in the original PUD including this amendment have met the parking requirements set by the city. Commissioner Ingalls concurred and heard the applicant say they are exceeding parking.

Commissioner Ward inquired if the parking garages were tandem parking. Ms. Baker explained one side of the units has tandem parking and the other side will have a standard two car garage.

Public testimony closed.

Discussion:

Chairman Messina explained he is having a struggle with the height difference.

Commissioner Ward stated that he thinks Riverstone is a prime location and believes that our city made it possible and because of that all we here about is how much congestion is in the area. He explained that he doesn't have concerns with the density or height but with it complies with the zoning on its own and making lots narrow with limited parking and that the entire road network is insufficient with nowhere for traffic to go. He commented what approved now is intense and by adding additional units isn't our job and our job is to minimize the impact and traffic is getting worse.

Commissioner Mandel inquired if the traffic for this is less. Commissioner Ingalls commented in the staff report the city engineer said there is less traffic. Mr. Behary noted that commercial generates more trips than residential. Commissioner Mandel inquired if there is any bearing on height with traffic.

Commissioner Ingalls commented living downtown is different and Riverstone is great and parking is tight but it's a great development and there is pluses and minuses and would want more commercial businesses. He commented housing is what people want and feels it's a great place.

Commissioner McCracken commented she sees the value of more commercial.

Commissioner Mandel inquired if there are other homes on Bellerive that exceed 32 feet. Commissioner Fleming answered that there is one home on Bellerive in the middle of the block. She noted if the applicant was going to put in similar homes that was done previously wouldn't see a problem and struggles with this many units added on this small parcel and can't justify more homes added just for the density. She suggested by adding the green space by the commercial building would make sense.

Commissioner McCracken inquired if an elevator would work in a home that is 32 feet. Commissioner Fleming stated that she sees this done all a time with the jobs she has worked on in the past.

Commissioner Ward commented that he objects to the intensity and feels its to much in a small area.

Motion by Ward, seconded by Mandel, to deny without prejudice Item PUD-3-19m1. Motion approved.

ROLL CALL:

Commissioner Fleming	Voted	Aye
Commissioner Ingalls	Voted	Aye
Commissioner Mandel	Voted	Aye
Commissioner McCracken	Voted	Aye
Commissioner Luttrupp	Voted	Aye
Commissioner Ward	Voted	Aye
Chairman Messina	Voted	Aye

Motion to deny without prejudice carried by a 6 to 0 vote.

Motion by Fleming , seconded by Messina, to deny without prejudice e Item S-4-19m1 Motion approved.

ROLL CALL:

Commissioner Fleming	Voted	Aye
Commissioner Ingalls	Voted	Aye
Commissioner Mandel	Voted	Aye
Commissioner McCracken	Voted	Aye
Commissioner Luttrupp	Voted	Aye
Commissioner Ward	Voted	Aye
Chairman Messina	Voted	Aye

Motion to deny without prejudice carried by a 6 to 0 vote.

4. Applicant: 15th Street Investments, LLC
Location: 3525 N. 15th
Request:
 - A. A proposed 1.61-acre PUD known as "Birkdale Commons PUD" QUASI-JUDICIAL, (PUD-4-22)
 - B. A proposed 10-lot preliminary plat known as "Birkdale Commons" QUASI-JUDICIAL, (S-3-22)

Mike Behary, Associate Planner presented the staff report and stated:

1. A residential planned unit development (PUD) that will allow for 10 lots and two tracts with the following modifications.
 - a. Lots fronting on a private street rather than a public street.
 - b. Minimum Lot Width of 35' rather than 50' as required.
 - c. Minimum Lot Area of 2,810 SF for a single-family dwelling lot rather than 5,500 SF.
 - d. Minimum Lot Area of 4,125 SF for a duplex lot rather than 7,000 SF.
 - e. Front Setback of 15' rather than 20' (*dwelling unit*).
 (Garages required to maintain the 20' setback for parking)
 - f. Side Setback (interior) of 5' rather than 5' on one side and 10' on the other.
 - g. Street Side Setback of 5' rather than 10'
 - h. Rear Setback of 15' rather than 25'
 - i. Sidewalk on one side of street rather than sidewalks on both sides of street.

2. A 10 lot, two tract preliminary plat to be known as Birkdale Commons.

- The subject property along with the adjacent parcel to the south was annexed into the City in May of this year in item A-3-22. At the time of the annexation request, both parcels were intending to be part of a future residential planned unit development (PUD). However, since then, the southern adjacent parcel is no longer intending to be part of PUD with the subject site.
- Currently the subject property has a single-family dwelling and several out buildings located on it. The subject site is 1.6 acres in area and is relatively flat. The site is adjacent to 15th Street along its east property line. The property is currently zoned R-12.
- The PUD will consist of 10 lots, one open space tract, and one tract that will contain the private road. The applicant has indicated that the 9 lots are designed for duplex units and one lot for a single-family dwelling (see proposed building elevations on page 16). The 10 proposed buildable lots will have access to a private road within the development and the private road will have a single access connection to 15th Street (see PUD Site Plan on page 10).
- The applicant is proposing 10.6 percent of public open space that will be located in one tract. The open space amenities will include a park bench, picnic table, barbecue, and a fenced in dog run with a pet waste supply station (see Open Space map and images on pages 20 -21). The applicant has indicated that the open space area will be landscaped and maintained by the HOA.
- The applicant has indicated that this project will be completed in one phase with construction beginning in spring of 2023.

- The City's Comprehensive Plan designates the subject property within the Compact Neighborhood place type
- He addressed the findings including department comments with all departments seeing not issues with the project.

Mr. Behary concluded his presentation

Commission Comments:

Commissioner Ingalls stated we have recently been seeing these split, shared wall units in the new Atlas Development and in your opinion have we approved these like this Mr. Behary answered that we have in the past with the right of way width and road width reduction. Commissioner Ingalls stated this is private and will be limited off-street parking and will there be available a number of spots for visitors. Mr. Behary explained that we weren't provided that calculation from the City Engineer.

Commissioner McCracken inquired what is the difference between the road proposed versus the standard. Ms. Patterson explained that the right of way is 50 feet for a standard road width with a paved lane that is 28 feet.

Commissioner Fleming explained in Hayden when she was part of the Planning/Zoning commission they would have the extra parking on the grass at the front door and suggested putting gravel in the front of the home, so they don't have to park in the lawn and what she has seen in the past the garage is used for storage.

Public testimony open.

Drew Dittman, applicant, provided the following statements:

- He stated that he is representing the applicant and that the property was recently annexed into the city earlier this year as R-12.
- He provided a copy of the preliminary plat and the PUD that we are asking for 10 lots that will provide 19 units so that would be 9 duplexes and one single family house.
- He noted renderings showing the design of the homes similar to Orchard Lands off of Atlas and Seltice.
- He stated this project is compatible with the Comprehensive Plan that designates this property as Compact Neighborhood which is compatible with a medium density area which allows single family, duplexes, triplexes and townhomes which would be compatible with the other homes in the area. He added that the existing house will be removed when we get ready to do the homes.
- He noted the open space will be located on the west end and the open space will be providing will be over 12% but some of that open space be used for stormwater and drainage that has been deducted and even with that will still provide 11% open space which will provide a buffer area from the single-family home.
- He noted that he asked the people who manage their property's what the tenants want in

the open space and a project of this size people are wanting passive open space where they can have a place to barbecue and that we will be providing a barbecue pit, picnic table, dog run with an open area in the middle.

- He noted that parking per code requires two parking, two off street parking for unit and we are providing 3 off street parking spaces per unit and explained 2 units for parking and providing three off street parking providing a large concrete driveway in the front that will provide 4 parking spaces in front plus the two parking spots for the garage.
- He noted that we will have a Homeowners Association (HOA) that will maintain all the common areas, open space, storm drainage and plow the streets and will work with staff that will review the CC&R's .we aren't asking for any increase in density.
- He noted that we aren't asking for an increase in density and under the 12 units/ per acre.

Mr. Dittman concluded his presentation.

Commissioner Luttrupp noted that last time you were here Council Member Miller did a presentation on affordable housing and she stated that the council wasn't interested in making affordable housing mandatory and that you are proposing a PUD that allows some deviations that is great and hopes this development will add something to our community. He questioned if approved how will this development help with affordable housing. Mr. Dittman stated we could do what we want to do with a straight subdivision without a PUD and still get the 10 lots we have proposed but by doing a PUD will be able to provide some amenities in exchange for some reduced setbacks. He stated that he doesn't have definition for "affordable housing" which is different for everyone and what we are proposing is the best solution and that he has been a part of the discussions regarding affordable housing which he supports and getting there is a community effort not just from the developer. Commissioner Luttrupp stated that the goal is to make money.

Commissioner Mandel commented that we encourage different housing types that helps with the market.

Commissioner Fleming stated that she appreciates if proposed this will create a small community and adding amenities will give the people who live there a sense of community.

Commissioner Ingalls noted that we have to make a decision on each project that comes before us. Mr. Dittman explained that we had intended to bring both parcels forward but because of the market only bring forward one parcel by providing housing.

Chairman Messina inquired about snow removal. Mr. Dittman stated that he talked with staff regarding snow removal with the snow being pushed at the end of the street.

Public testimony closed.

Discussion:

Chairman Messina commented that this is a project that is going to meet many needs in the community.

Commissioner Mandel concurs and offers a variety of homes to the public and that this is a project where families can live and call their own.

Commissioner Ingalls stated that he also struggles with the definition for affordable housing and what that means. He added these homes will be more attainable for someone seeking their first home.

Commissioner McCracken concurs and stated would be nice to have more individual ownership opportunities.

Motion by Fleming, seconded by Mandel, to approve Item PUD-4-22. Motion approved.

Commissioner Luttrupp stated will be voting against this proposal and sees no return value.

ROLL CALL:

Commissioner Fleming	Voted	Aye
Commissioner Ingalls	Voted	Aye
Commissioner Mandel	Voted	Aye
Commissioner McCracken	Voted	Aye
Commissioner Luttrupp	Voted	No
Commissioner Ward	Voted	Aye
Chairman Messina	Voted	Aye

Motion to approve carried by a 6 to 1 vote.

Motion by Fleming, seconded by Mandel, to approve Item S-3-22. Motion approved.

ROLL CALL:

Commissioner Fleming	Voted	Aye
Commissioner Ingalls	Voted	Aye
Commissioner Mandel	Voted	Aye
Commissioner McCracken	Voted	Aye
Commissioner Luttrupp	Voted	No
Commissioner Ward	Voted	Aye
Chairman Messina	Voted	Aye

Motion to approve carried by a 6 to 1 vote.

ADJOURNMENT:

Motion by Luttrupp, seconded by Messina to adjourn the meeting. Motion approved.

The meeting was adjourned at 10:00 p.m.

Prepared by Shana Stuhlmiller, Public Hearing Assistant

**MINUTES OF THE JOINT WORKSHOP FOR THE PLANNING AND ZONING COMMISSIONS OF
CITY OF COEUR D'ALENE, CITY OF HAYDEN, CITY OF POST FALLS, CITY OF RATHDRUM, CITY OF ATHOL,
AND KOOTENAI COUNTY
KOOTENAI COUNTY ADMINISTRATION BUILDING, 451 N. GOVERNMENT WAY, ROOMS 1A AND 1B
NOVEMBER 10, 2022
5:30 PM**

The Planning & Zoning Commissions of Kootenai County, Coeur d'Alene, Hayden, Post Falls, and Rathdrum convened for a multijurisdictional workshop to learn about the Regional Housing & Growth Issues Partnership (RHGIP) efforts, explore possible tool kit solutions, and have an open dialogue.

The following P&Z Commission Members were in attendance:

Coeur d'Alene

Tom Messina, Chair
Jon Ingalls, Vice-Chair
Lynn Fleming
Peter Luttrupp
Sarah McCracken
Phil Ward

Hayden

Keith Gibson
Mary Howard

Post Falls

Ryan Davis, Chair
James Steffensen
Vicky Jo Carey
Nancy Hampe

Rathdrum

John Lamb

Kootenai County

Madeline David, Vice-Chair
David Dean

Commission members not in attendance: Brinnon Mandel (CDA), Alan Davis (Hayden), Shawn Taylor (Hayden), Brandon Bemis (Hayden), Benjamin Prickett (Hayden), Ray Kimball (Post Falls), Ross Schlotthauer (Post Falls), Kevin Ward (Post Falls), Lacey Schwab (Rathdrum), Nina Burns (Rathdrum), Larry Vandenburg (Rathdrum), David Levine (Kootenai County), Deborah Rose (Kootenai County), Cheri Zao (Kootenai County), Barry Stearns (Kootenai County), and Paul Glader (Kootenai County).

RGHIP Members Present:

Hilary Patterson, Coeur d'Alene
Sean Holm, Coeur d'Alene
Bob Seale, Post Falls
Jon Manley, Post Falls
Donna Phillips, Hayden
Melinda Lee, Hayden
David Callahan, Kootenai County
James Casper, Habitat for Humanity
Maggie Lyons, Panhandle Area Housing Alliance (PAHA)
Greta Gissel, CDA 2030
Victoria O'Banion, Resident Owned Communities (ROC) Manufactured Home Park Task Force
Melissa Cleveland, Welch Comer Engineers

Council & other Community Leaders Present:

Ed DePriest, Hayden Councilperson
Woody McEvers, Coeur d'Alene Councilperson
Troy Tymesen, Coeur d'Alene City Administrator
Field Herrington, Post Falls Deputy City Attorney
Randy Adams, Coeur d'Alene City Attorney
Lori Yarbrough, Athol Clerk

Bill Hill, Mayor Athol
Jeanette Kramer, Athol Councilperson
Tony Berns, ignite cda
Joe Johns, Post Falls URA
Aaron Bradley, NIBCA
Scott Krajack, NIBCA

WORKSHOP:

Opening Remarks (Kiki Miller, City of Coeur d'Alene Councilmember): Ms. Miller welcomed the P&Z Commissioners and other community leaders present and explained the goals of the meeting, as follows:

- To provide a summary of work-to-date and build upon the presentations that were made to each commission earlier this year
- Learn more about the next steps of the RHGIP
- Hear presentations on specific Solutions Toolkit items
- Learn about housing solutions currently being utilized
- Ask questions
- Have the ability to engage in dialogue with one another

RHGIP Background & Current Efforts

Ms. Miller started with a presentation explaining the background of the Regional Growth and Housing Issues Partnership (RGHIP) over the past year and a half.

Greta Gissel (CDA 2023) discussed data-driven solutions to discuss housing needs and the current mission is to address local worker housing. RHGIP was formed in 2021 and is a non-funded volunteer collaboration. More than 40 organizations are represented within RHGIP.

Ms. Miller explained that the workshop will focus on the toolkit that is on the website. There are also several volunteer subcommittees that are explained in more detail on the website. RHGIP surveyed citizen to determine priorities (approx. 3700 responses). Number 1 priority was preservation of open space on the prairie and Number 2 priority was tied between school capacity and traffic. The RHGIP has formed frequently asked questions that are located on the website as a resource. The RHGIP partnership teamed with PAHA and University of Idaho to develop a Housing Needs Assessment. The assessment is on the website. (RGHIP website is: <https://rhgip.com>.)

Ms. Miller introduced Victoria O'Banion who represents an organization that helps tenants in manufactured home parks create a partnership to own their development.

HomeShare Kootenai County has launched and Pam Houser is their president. This group finds folks that have space in their home (home providers) and match them with people needing housing (home seekers) looking for a place to live. This tool addresses the immediate needs the housing issue.

The purpose of the workshop is to share knowledge and toolkit items developed by the RHGIP. Accomplishments Ms. Miller summarized include a potential local medical workers housing project that may break ground in 2023 and other developer incentive/opportunities.

Ms. Gissel introduced the toolkit and gave examples on the website. Ms. Gissel explained the future of RGHIP and coming together and merging with CDA2030. She acknowledged there is a huge brain-trust of people in the room and sharing ideas and information is important.

Ms. Miller explained that the CDA Realtors Association is intending to start a campaign to fund a pool for people to buy-down their down payment. Other ideas that have been brought forward include potentially making ordinances similar between the County and cities to streamline and simplify development. She also talked about housing co-op opportunities in other municipalities where private organizations purchase housing developments and keep a portion of the dwelling units for their workers. Ms. Miller also explained that weekly progress updates are available on the website.

Tool Kit Presentations with Questions and Answers

Land Lease

James Casper, Director of Habitat for Humanity, discussed land trusts and his organizations' model. He explained that land trusts and land banks do not have one specific definition. Deed restriction can mean a lot of various things. All the arrangements are unique to the individual owners of the property and special purpose designation. Deed restrictions do not involve in zoning. Mr. Casper gave an example where the City of Boise recently leased land to have the land available for an affordable housing project. Leasing, rather than selling provided flexibility and avoided surplus property processes.

Habitat for Humanity has a current project that where they lease land to the condo owners, providing permanent affordability. Two tax parcels are created – one for the land and one for the homeowner improvements. This creates a much lower tax valuation for the homeowner. Ed DePriest (Hayden Councilperson) explained that the idea is to keep the housing relatively affordable and asked how the valuations are kept low at resale. Mr. Casper indicated that the resale cannot exceed 3% increase in equity per year. Habitat has the first right of refusal to purchase the dwellings back. Habitat for Humanity does not pay taxes because they are tax exempt.

Mary Howard explained that people are always worried about a new development reducing their property values. She wondered if Mr. Casper had any data on if this occurs for local worker housing developments. Mr. Casper said the model is too new to have reliable data, but he should have data in a few years. He also indicated that the projects have been in higher density and commercial type areas anyway.

Deed Restrictions

Maggie Lyons, PAHA, spoke on deed restrictions. She stated some statistics. In 2016, 75% of residents in Kootenai County could afford to buy a home. In 2021, only 25% of residents in Kootenai County can afford to buy a home. A variety of solutions need to work together to help the issue. PAHA is a non-profit housing agency targeting low income and local workers. Affordable housing is a loosely used term. HUD defines affordable housing for very low income. Local worker housing is not HUD's definition of affordable. There is little inventory that the middle class workers can afford to purchase. Other statistics – In 2018, 40% of residents in Kootenai County could not make ends meet. Today, the estimates are closer to 60%. PAHA's goal is to responsibly respond to the housing shortage because the consequences are dire. In Sun Valley, the local workers drive more than hour. Our area will have a major change in the culture if we cannot provide housing for the local workers.

Ms. Lyons explained that homes can be reserved and preserved for local workers through deed restrictions targeting 60% to 130% of Area Median Income (AMI) which is a household income of about \$49,000 to \$108,000 annually. Covenants or deed restrictions can be community land trusts or private development. Deed restrictions can also set maximum resale value limitations. PAHA can help manage the deed restrictions for developers. Deed restrictions can also restrict to only primary resident ownership or a maximum household income allowed for purchase. The rising interest rates are really discouraging in the efforts to provide local worker housing. Private-public partnerships need to be creative. The inventory will never exist if we only use public funds. Must partner with developers.

Ms. Lyons explained that the goal is to offer affordability in housing for perpetuity, which can be accomplished through deed restrictions for 99 years. Home prices need to be in the \$280,000 to \$430,000 to provide local worker housing. Home ownership piece is only one part of the solution, home share and affordable rentals are also important. Right now, home ownership is out of reach for many. Middle class builds wealth through home ownership. Ms. Lyons explained that six builders are currently working with PAHA on local worker housing ideas. This needs to be a community-wide, multiple solutions effort. Kootenai County is leading the way and will have the template that can be rolled out across the state.

Jeanette Kramer, Athol Councilperson, said that a lot of people that cannot afford housing make a lot less than the ranges Ms. Lyons showed. She asked what is being done for people who make less. Ms. Miller indicated that there are other ideas like housing co-ops. Mr. Casper indicated that the ranges assume two incomes. Ms. Kramer explained that that this is a change culture because women cannot stay home to raise their children and have their families afford housing.

Development Agreements

Hilary Patterson, Coeur d'Alene Planning Director, spoke about development agreements. Idaho Code allows for developer agreements for subdivision, PUDs, and zone changes. It is a contract between the land-owner and the municipality. The agreement is a benefit to both the developer and the municipality. Development agreements can include workforce housing, preservation of open space, agreements with school district, etc. Also, these agreements can be used at the time of annexation.

David Callahan, Community Development Director for Kootenai County, discussed the County's agreements. The County rarely has anything other than streets – which need to meet Highway District and Fire District standards. Other than that, the County has little need for agreements, but the tool does exist and can be used if it makes sense.

Bob Seale, Community Development Director Post Falls, indicated that Post Falls mostly uses them for the mixed-use zoning to indicate the percentages of commercial and various housing types in developments in this zone. Post Falls has also been looking at development agreements to help regulate cottage housing and short-term rentals. The smaller homes may not pencil as well as he hoped for developers, however. Post Falls is continuing to work with developers on deed restricted housing and will put that information into development agreements in the future, if those developments come forward.

Developer Incentive Ideas from NIBCA's Developer Council

Scott Krajack, chair of the development committee for North Idaho Building Contractors Association (NIBCA), indicated that NIBCA members brainstormed what can be done to encourage developers to provide local worker housing. The list included: fast tracking of permits, consideration of pre-approved

designs, reducing fees, URD or PUDs for projects, reducing of parking requirements, reductions of open space requirements, increase in density, variances of setbacks, variances in height, ability to blend different densities and product types to promote diversity of offerings and affordability points across the same development, variances for oddly-shaped or sized lots to allow a building pocket, and fix outdated code requirements that eliminate funding for housing to developers.

Ed DePriest (Hayden Councilman) asked which of the options are the most desirable to developers. Mr. Krajack said increased density for tiny homes or cottage homes. Also, just gaining approval when their development meets the requirements because sometimes good developments are turned down.

Lynn Fleming (CDA P&Z Commissioner) indicated that parking requirements are a challenge.

Mr. Casper indicated that condos are more affordable to build because you can fit more dwellings on one piece of land. Profit margins are related to density and economics. Things have changed – the cost to build is much higher than it used to be.

Ms. Miller has also indicated she has heard about child-care incentives for developments that provide daycare centers within them.

Ms. Miller would like to make this workshop an annual event to share knowledge. There was a survey for those present to fill out about the future of RGHIP.

Sarah McCracken (CDA P&Z Commissioner) wondered how the percentage of AMI ranges works with seniors on fixed income. Ms. Lyons indicated that the senior need is dire, as well, and in many cases worse. Victoria O'Bannion also indicated that seniors in manufactured home parks are experiencing rent increases that are, in some cases, the total of their social security check. There are both local worker housing needs and senior fixed-income needs. Mr. Casper said that creating housing for local workers can free up housing for seniors. The community needs pockets of housing in different price points to best meet the needs of all.

Mr. Casper said it is legal to deed restrict for how long the person has lived in the area or where they work. Ms. Lyons said that providing home ownership is a method to provide stability to the local worker and the senior.

Mr. DePriest asked if there are other examples of ordinances that can help protect quality of life. Ms. Miller said that one option that has come up would be to have standardized building plans that are acceptable in all jurisdictions, possibly for accessory dwelling units. This could reduce the cost to build. Mr. DePriest indicated that density is the number one dilemma because you have to balance affordability with quality of life. He indicated that wages need to increase to keep up with the cost of housing. He said that increasing density will continue to erode the quality of life. He asked how to balance affordability with quality of life.

Ms. Kramer asked if this group has considered the impacts of density on the aquifer. Ms. Miller said that there are groups working on the aquifer issue, but the RGHIP's marching orders were to try to address the local worker housing issues. Ms. Miller indicated that major employers are having trouble retaining employees because their workers cannot find housing.

Tom Messina (CDA P&Z Commissioner) indicated that we are, in part, a victim of our own success. We need to be a little bit tolerant of density, but it has to be in the right places. Mr. Casper indicated that you cannot choose to not grow. You can grow up or grow out and it is a balancing act. If you don't want to see all the prairie land used up by housing, then tolerate a little more density.

Randy Adams (CDA Attorney) said that the people in this room are the "idea people" and the City attorneys will help evaluate the legality of the ideas that come forward.

Mr. Callahan indicated that the County is looking at a potential bond for open space. Mr. Seale indicated that Post Falls owns 600 acres on the prairie for open space. It's currently used for agricultural and land application of wastewater treatment plant effluent. He indicated that Rathdrum also has 300 or so acres that is also set aside for preservation.

Ms. Lyons clarified that primary residence deed restriction is allowed.

Field Herrington, Post Falls Deputy City Attorney, clarified that the property owner has to create deed restrictions, but the City cannot require deed restrictions. He just wanted to clarify that deed restrictions are legal, but the City cannot require them.

Ms. Miller said that those types of negotiations can be part of the developer agreements as developers and the municipalities try to find the balance that works.

Ms. Miller adjourned the meeting at 7:05 PM and asked those in attendance to fill out the survey and turn it in.



PUBLIC HEARINGS

**PLANNING COMMISSION
STAFF REPORT**

FROM: TAMI STROUD, ASSOCIATE PLANNER
DATE: DECEMBER 13, 2022
SUBJECT: SP-4-22 – FOOD AND BEVERAGE OFF-SITE CONSUMPTION
SPECIAL USE PERMIT
LOCATION: A +/- .49 ACRE PARCEL LOCATED AT 1114 W. IRONWOOD,
FORMALLY MEDICINE MAN PHARMACY

PROPERTY OWNER:
Pinetree Health Group
Brian Jorgensen
1114 W. Ironwood Dr.
Coeur d'Alene, ID 83814

APPLICANT/CONSULTANT:
Travis White
3324 W. Robinson Avenue
Hayden, ID 83835

DECISION POINT:

Travis White, applicant, is requesting a Food and Beverage Off-Site Consumption Special Use Permit in the C-17L (Commercial Limited at 17 units/acre) zoning district to allow a drive-through coffee shop on a +/- 0.49-acre parcel.

LOCATION :



SITE PHOTO:



BACKGROUND:

There are three (3) existing structures on the subject property that were constructed in 1982, known as the Pinetree Health property. In addition to the two (2) medical offices buildings, the property owner was granted a Special Use Permit in 1982 for Convenience Sales to allow for a pharmacy to be built and operate in association with the medical office use. Over the years, the structures were used for medical office uses along with the drive thru-pharmacy, known as Medicine Man Pharmacy. Medicine Man Pharmacy has since been closed as the pharmacist has retired. One of the office buildings is occupied by an insurance company, and the other a holistic medicine practice. Because the former pharmacy space has become available, the applicant is requesting a Food and Beverage Off-site Consumption SUP for a drive-through coffee shop which is allowed with the approval of a Special Use Permit in the C-17L (Commercial Limited) zoning district.

From the applicant's Narrative:

To whom it may concern,

I am requesting for consideration the special use approval of the property located at 1114 Ironwood Dr to be used for a to-go foodservice business.

As the current Zoning is C17L and does not include this use I have submitted the Special Use Permit application as required to move this project forward.

An overview of the project:

Sebastian's Coffee and Pastries is a small to-go coffee shop that will offer scratch made pastries, desserts, and other treats as well as artisan roasted coffee. In accordance with the 2007 Comprehensive plan, it is my goal to add to the business diversity in the area surrounding the proposed site, with a service that all office workers love. It is my hope to support the local workforce and residents with craft quality food and drinks that are scratch made, and contain fewer chemical preservatives than the typical prepackaged foods found in smaller drive-thru coffee shops. As is stated in the 2nd goal of the comprehensive plan, economic environment, I am seeking support in bringing year-round jobs to the area, as Sebastian's will have a staff of up to 6 full time employees.

The existing building at 1114 Ironwood Dr. was previously used as a drive-thru and counter service pharmacy. In this respect we are only changing one aspect of the buildings use. In its previous life the location was a place where you could easily access a product that would make your body feel better, in its proposed new life, it carries on that same roll, only a prescription is not required for purchase. As the building was originally set up to allow easy access to be "served by the existing street, public facilities and services" there will be very little impact in this case. Again, as the building is existing, compatibility "with the location, setting, and existing uses on adjacent properties" has very little effect. I had a conversation with a lady who works in one of the offices in the area where she expressed her excitement of the possibility of a coffee shop right across the street. She had stopped in to ask what was replacing the pharmacy because she didn't realize the pharmacy had closed and came to buy medicines. She explained how she just gets to change the "drug" she used to come to the shop to buy for coffee. In my conversations with many of the workers in the area, they have all expressed excitement in the prospect of having such a high caliber food operation so close. This is not to discredit other coffee shops in the area, but my background as a professional chef will be a marked difference in the operation. As most, not all, of the drive-thru coffee stands sell prepackaged foods, Sebastian's will sell scratch made goods made with higher quality ingredients and no preservatives or other chemicals used by mass producing bakeries. Same with the coffee we intend to serve, all of our coffee beans are ethically sourced from single origins, then roasted and blended to bring the highest quality product to market as we can.

I thank you for your time and consideration. Travis White

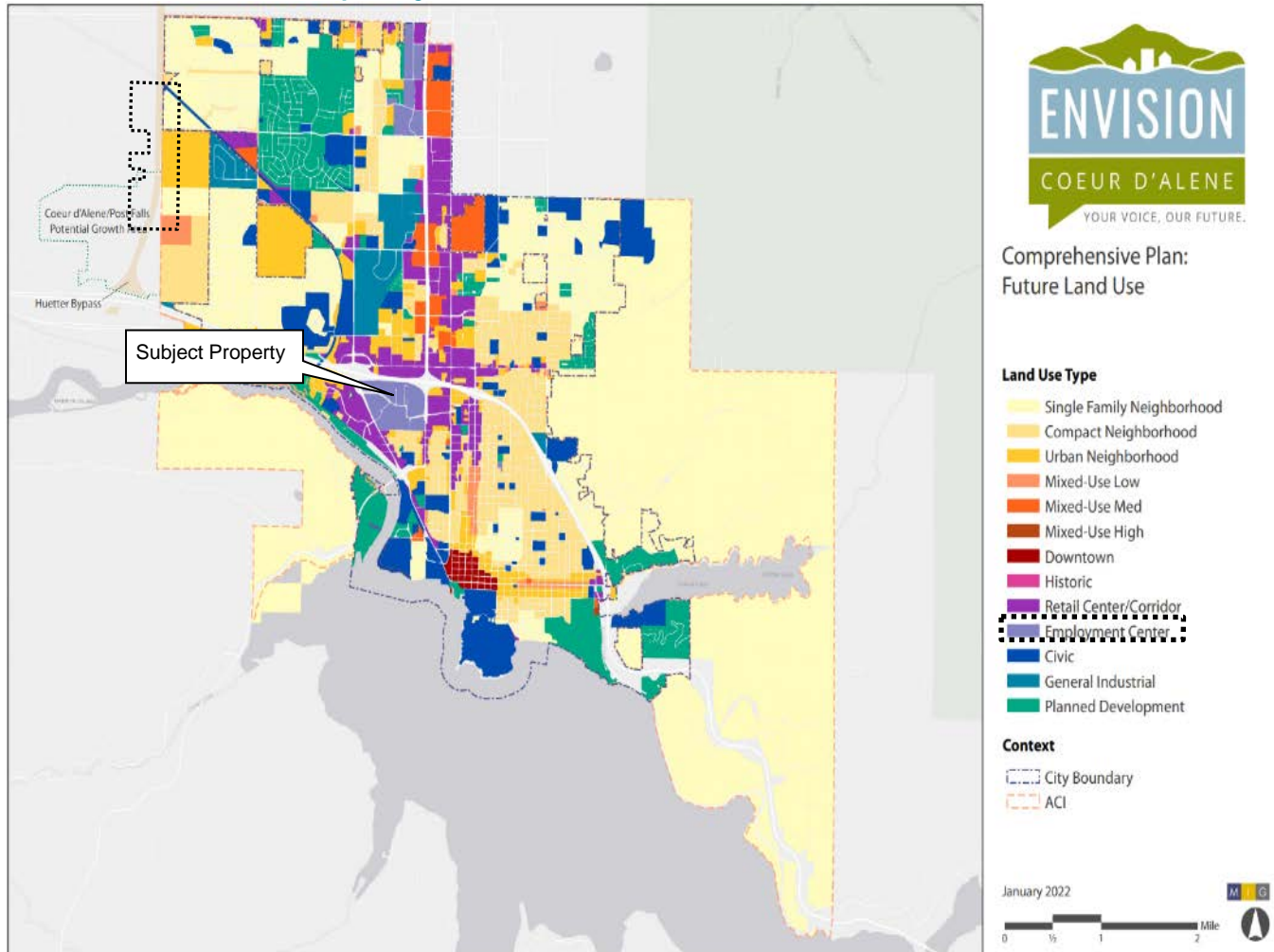
REQUIRED SPECIAL USE PERMIT FINDINGS:

Finding #B8A: That this proposal (is) (is not) in conformance with the Comprehensive Plan policies.

2022-2042 COMPREHENSIVE PLAN- LAND USE CATEGORY:

- The subject property is within city limits.
- The City's 2022-2042 Comprehensive Plan categorizes this area as Employment Center Type.

Future Land Use Map (City Context):

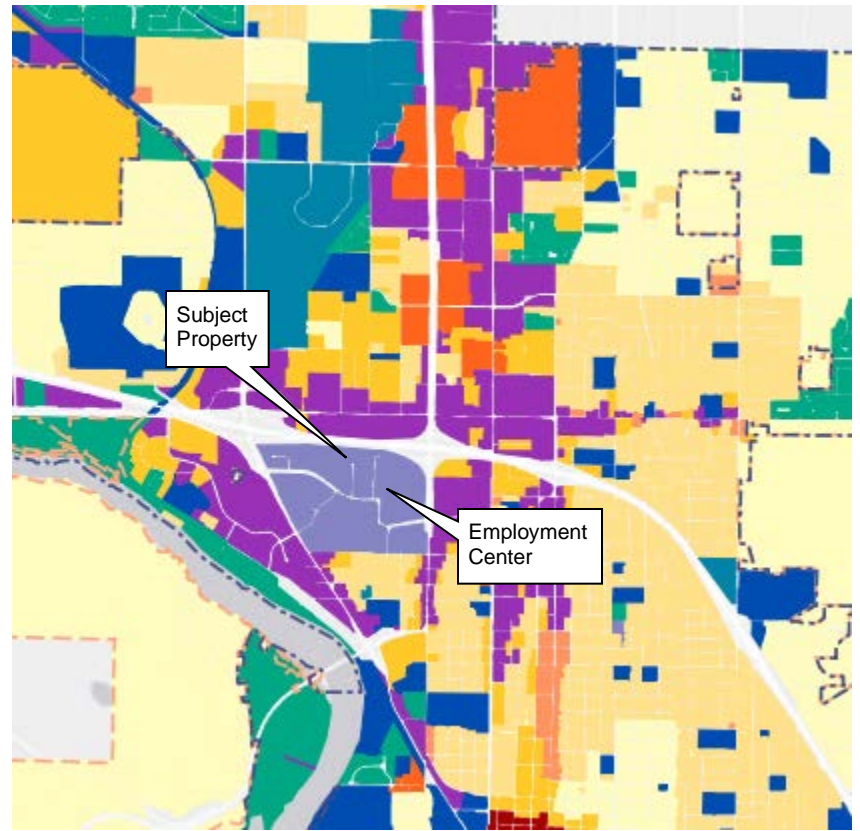


Land Use Type

- Single Family Neighborhood
- Compact Neighborhood
- Urban Neighborhood
- Mixed-Use Low
- Mixed-Use Med
- Mixed-Use High
- Downtown
- Historic
- Retail Center/Corridor
- Employment Center
- Civic
- General Industrial
- Planned Development

Context

- City Boundary
- ACI



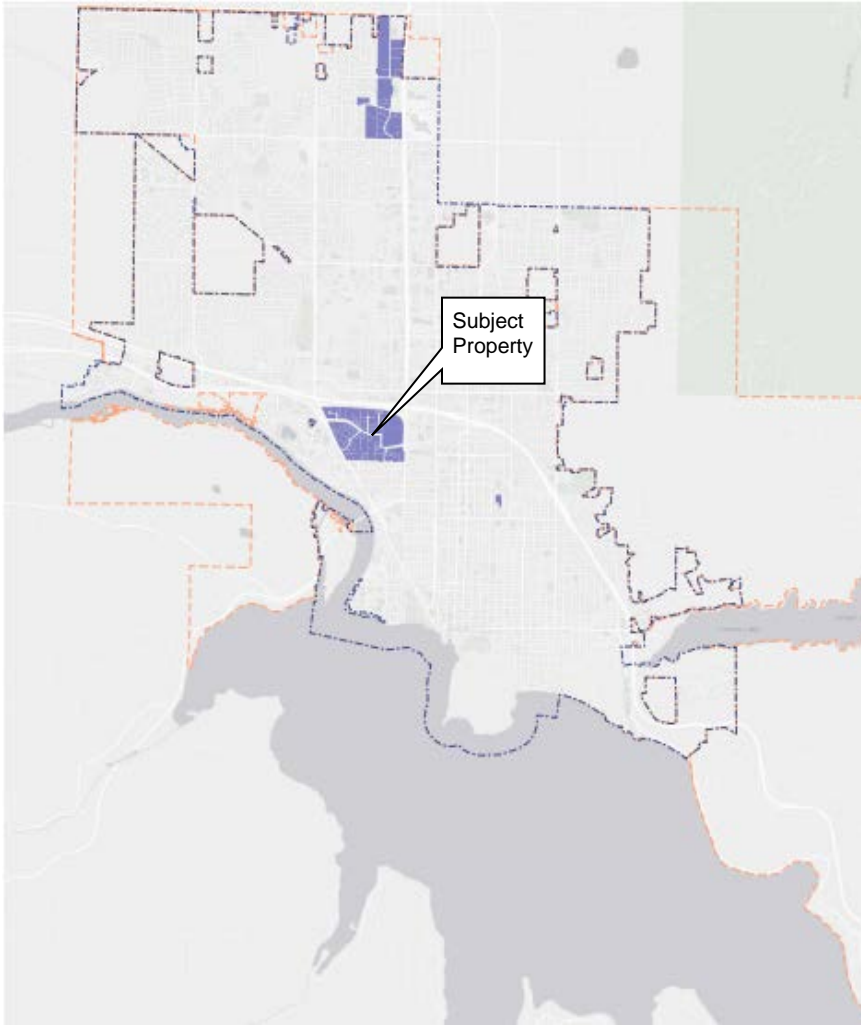
Place Types

Place Types represent the form of future development, as envisioned by the residents of Coeur d'Alene. These Place Types provide the policy-level guidance that will inform the City's Development Ordinance. Each Place Type corresponds to multiple zoning districts that will provide a high-level of detail and regulatory guidance on items such as height, lot size, setbacks, adjacencies, and allowed uses.

Employment Center

Employment Centers may be auto-oriented or campus-style development up to six stories that are focused on providing concentrated employment in the City. These areas should evolve over time to be walkable and bikeable, with a range of services to support employment uses, with parking either structured within buildings or located in ways that minimize impacts to pedestrians and the public spaces. Typical uses could include office parks, hospitals, hotels and motels, research facilities and limited retail. These places often have a varied street pattern, sometimes including an internal network and parking.

PLACE TYPES: Employment Center



Employment Center



Key Characteristics

Employment Centers may be auto-oriented or campus-style development up to six stories that are focused on providing concentrated employment in the City. These areas should evolve over time to be walkable and bikeable, with a range of services to support employment uses, with parking either structured within buildings or located in ways that minimize impacts to pedestrians and the public spaces. Typical uses could include office parks, hospitals, hotels and motels, research facilities and limited retail. These places often have a varied street pattern, sometimes including an internal network and parking.

Transportation

- Often located along or at the intersection of major arterials
- Varied street pattern often with an internal network and more parking
- Aspirationally should include high ease-of-use pedestrian and bicycle facilities

Typical Uses

- Primary: Office, campus, research, retail, warehousing, hotels/motels, manufacturing
- Secondary: Open space, parking, and dining

Building Types

- 1-4 stories, varied types based on use, typically larger massing

Compatible Zoning

- C17 and C17L



SPECIAL AREA: Health Corridor Master Plan

The subject property is also located within the Health Corridor Master Plan, which is a Special Area in the Comprehensive Plan. (See information on page 7)

Health Corridor Master Plan



The Health Corridor master plan provides a long-range vision for development within the 259-acre project area boundary over the 20-year duration of the Urban Renewal District (URD). The project boundary includes Kootenai Health's campus, the corridor's primary property owner and job center. The plan focuses on establishing a strong urban framework of publicly beneficial projects that are planned to be funded in part through the Tax Increment Financing (TIF) produced by the URD.

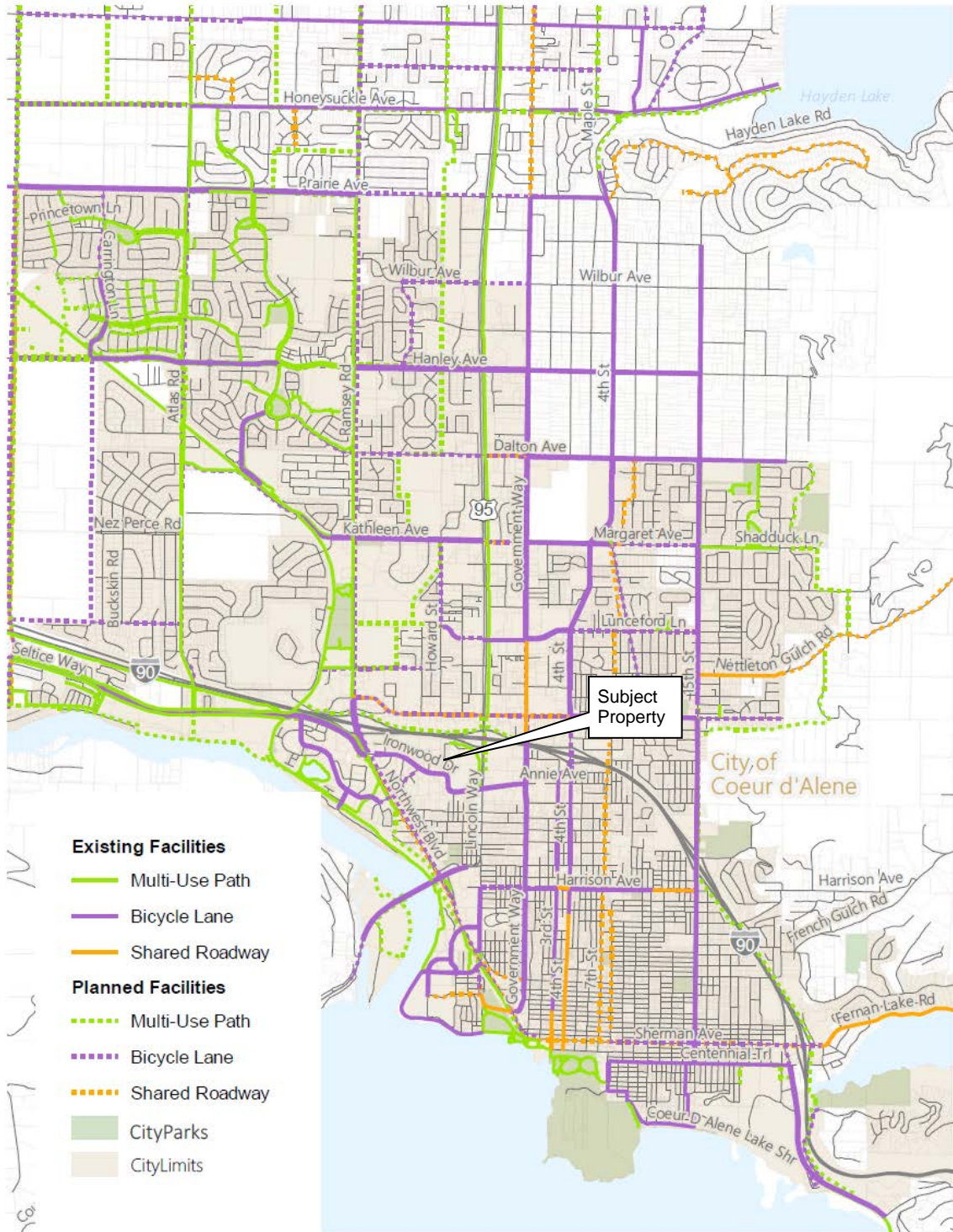
Primary among the plan's design recommendations west of U S-95 is the realigned section of Ironwood Drive adjacent to the Kootenai Health campus. The troublesome Ironwood Drive 'S-curve' is removed, and the street section re-envisioned to include on street parking stalls, dual cycle track lanes, and enhanced landscaping. Development centers on a central public green space at the Ironwood-Lakewood Drives intersection. A greenway runs along the north edge of this central park and from the arts plaza, a multi-use trail will follow

Ironwood Drive west to Northwest Boulevard, where it will connect to the Centennial Trail via a tunnel.

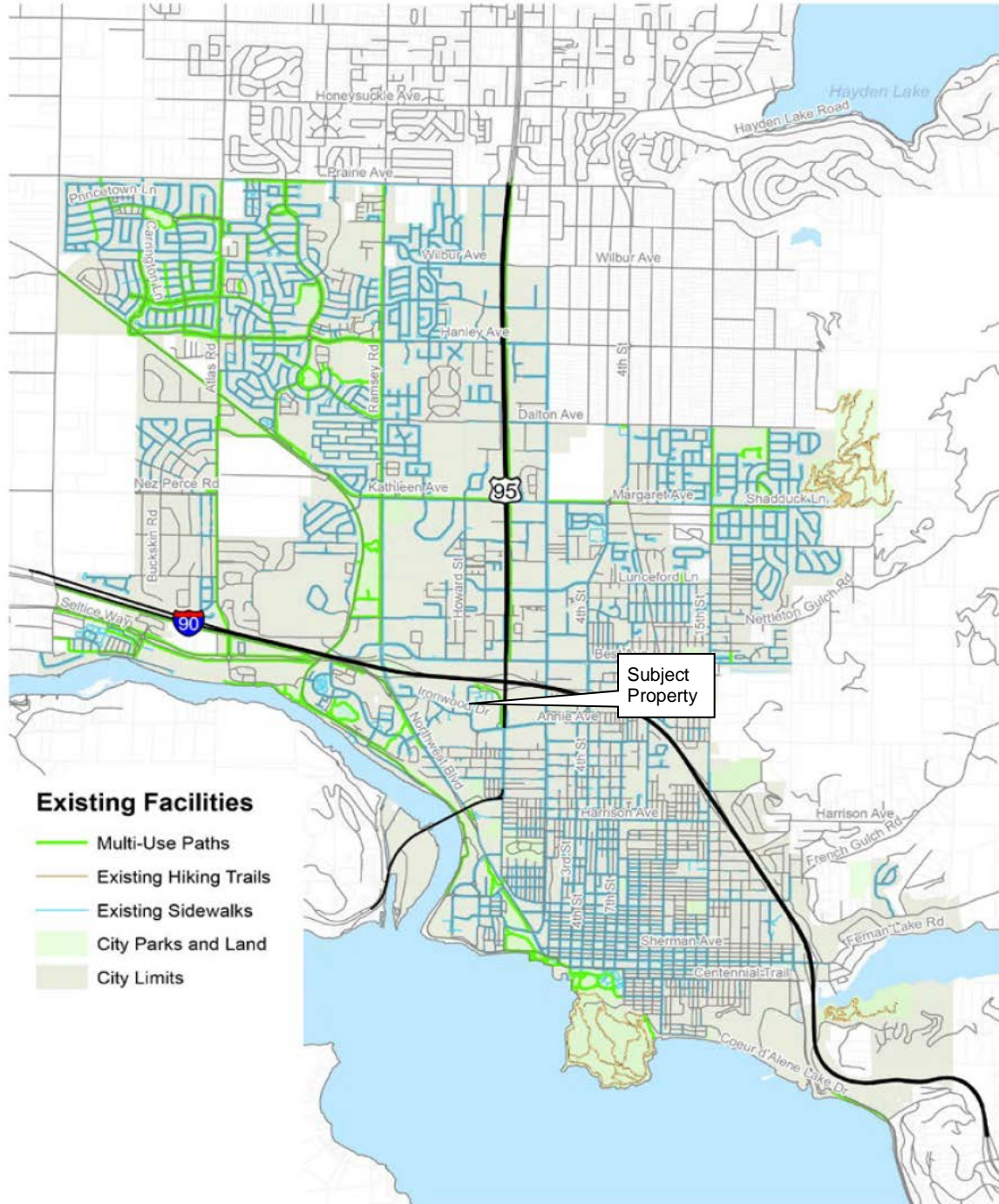
South of Ironwood Drive, a mix of housing typologies are proposed and a new north-south street and a pedestrian promenade will provide two dedicated routes connecting the main Corridor development areas to the existing neighborhood to the south. East of US-95, the new Shopko Drive will serve as a main street focal corridor onto which new residential, hotel, and commercial developments will front.

Transportation

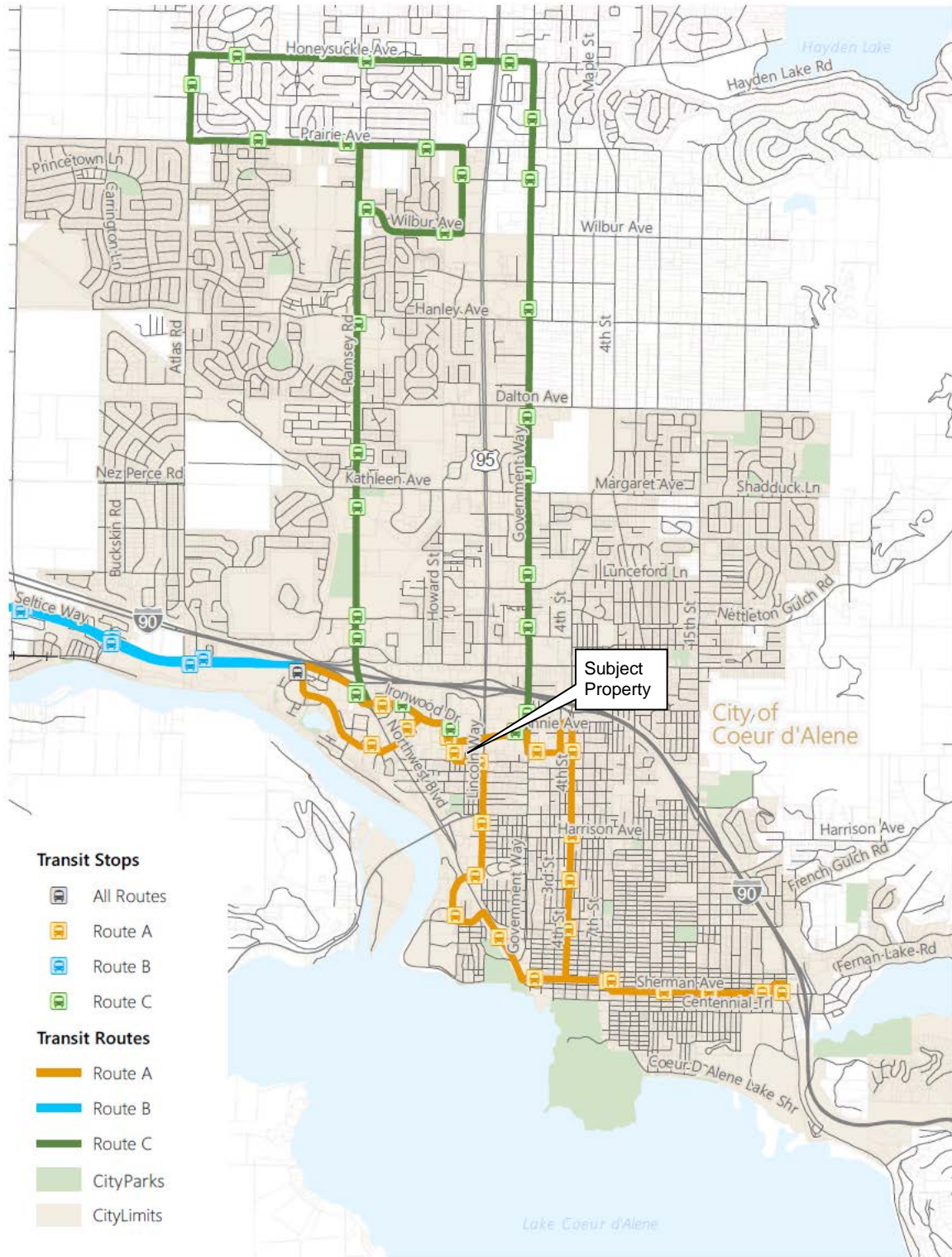
Existing and Planned Bicycle Network:



Existing and Planned Walking Network:



Existing Transit Network:



Comprehensive Plan Policy Framework:

Community & Identity

Goal CI 1: Coeur d’Alene citizens are well informed, responsive, and involved in community discussions.

Objective CI 1.1: Foster broad-based and inclusive community involvement for actions affecting businesses and residents to promote community unity and involvement.

Goal CI 2: Maintain a high quality of life for residents and businesses that make Coeur d’Alene a great place to live and visit.

Objective CI 2.1 Maintain the community’s friendly, welcoming atmosphere and its smalltown feel.

Growth & Development

Goal GD 1: Develop a mix of land uses throughout the city that balance housing and employment while preserving the qualities that make Coeur d’Alene a great place to live.

Objective GD 1.3: Promote mixed use development and small-scale commercial uses to ensure that neighborhoods have services within walking and biking distances.

Objective GD 1.4: Increase pedestrian walkability and access within commercial development.

Objective GD 1.6 Revitalize existing and create new business districts to promote opportunities for jobs, services, and housing, and ensure maximum economic development potential throughout the community.

Goal GD 2: Ensure appropriate, high-quality infrastructure to accommodate community needs and future growth.

Objective GD 2.1: Ensure appropriate, high-quality infrastructure to accommodate growth and redevelopment.

Jobs & Economy

Goal JE 1: Retain, grow, and attract businesses.

Objective JE 1.2: Foster a pro-business culture that supports economic growth.

Objective JE 3.2: Develop public-private partnerships to develop the type of office and amenities desired by startups.

Evaluation: *The Planning Commission must determine, based on the information before them, whether the Comprehensive Plan policies do or do not support the request. Specific ways in which the policy is or is not supported by this request should be stated in the finding.*

Finding #B8B: The design and planning of the site (is) (is not) compatible with the location, setting, and existing uses on adjacent properties.

The existing medical office and former pharmacy are owned by Pinetree Health and located on Ironwood Drive. The proposed SUP request is only for the 816 SF portion of the structure that was previously used as a pharmacy in conjunction with the medical office uses over the years. One tenant space is currently an office use, and the other space is for holistic medicine practice.

Land uses in the area are medical office uses, commercial and public offices, which are located along both sides of Ironwood Avenue and in the surrounding area.

Required Parking:

For a Commercial Use such as Primary beverage sales, such as espresso stands three (3) off street spaces per drive-up window are required.

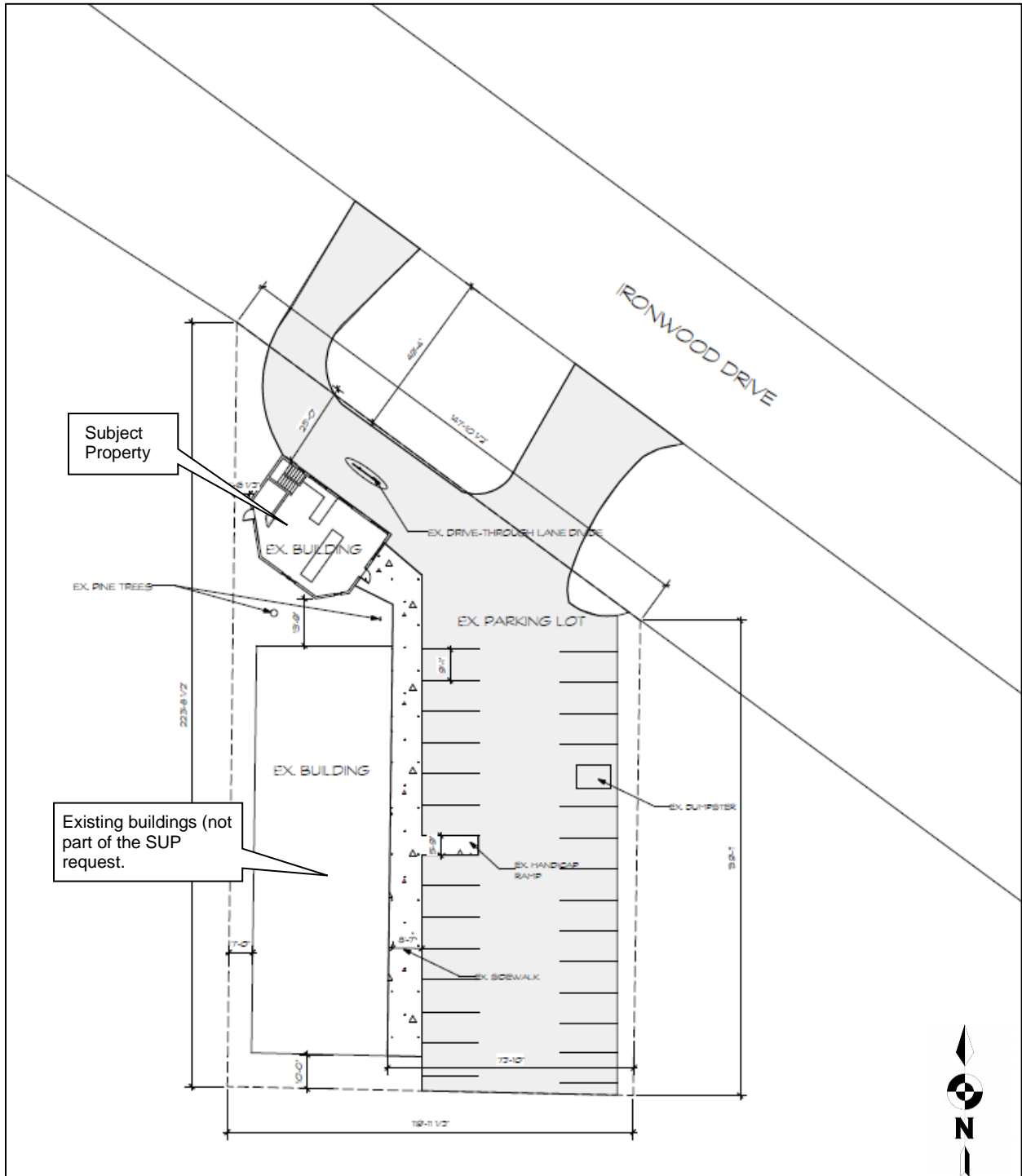
- Based on the current parking code: 11 parking stalls are required for the professional/medical office use, with 3 stacking spaces for the proposed drive-thru coffee shop.

The previous use was a Service Activity, Medical and healthcare practitioners. The Parking Code was amended in 2010. Based upon the previous code, 33 parking spaces were required and provided at that time for the Pinetree Health property.

The applicant is proposing one drive-up window. There is adequate stacking space to meet the 60' requirement. The 33 parking spaces will also satisfy any off street parking needs for the proposed use.



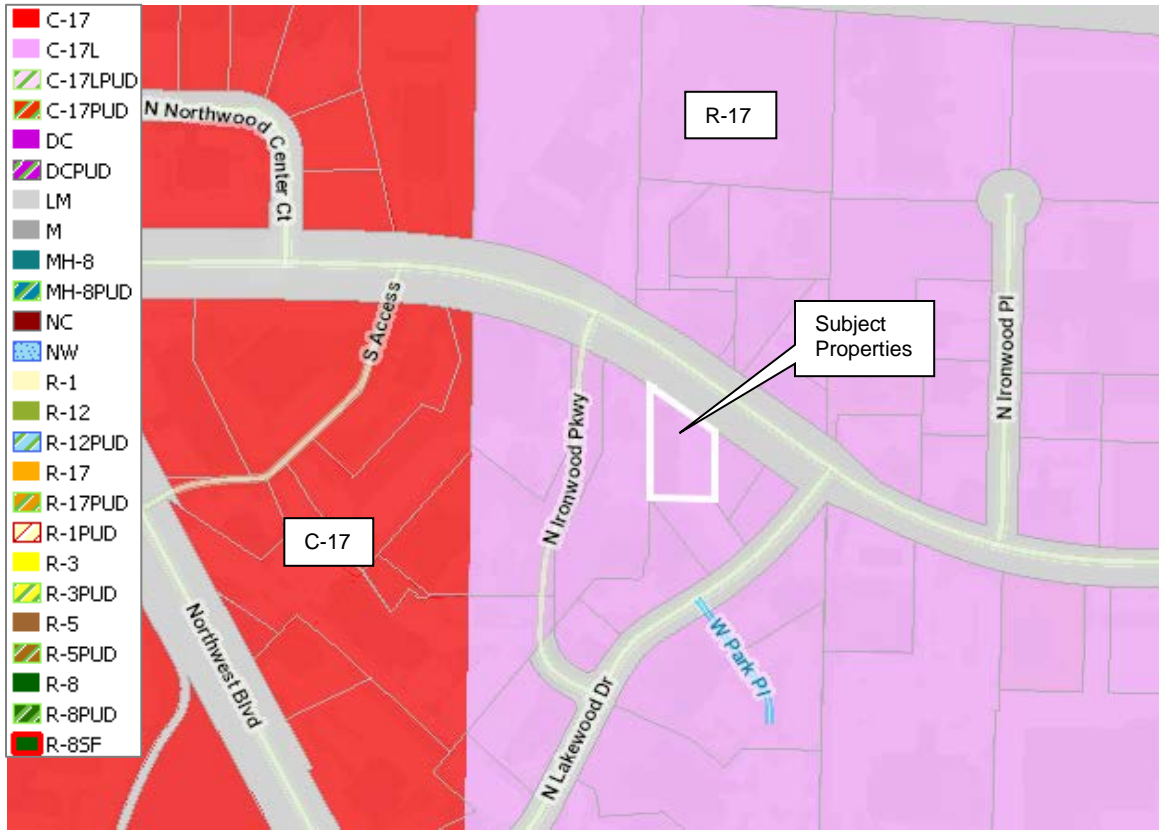
PROPOSED CONCEPT PLAN:



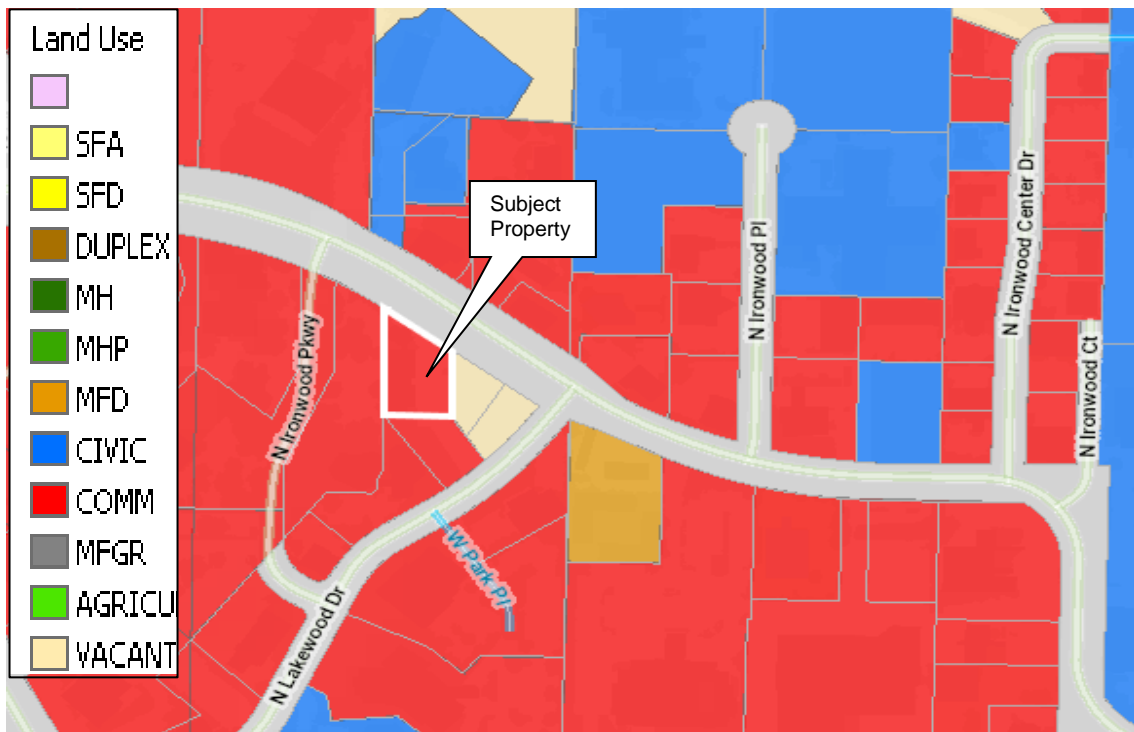
Subject Property

Existing buildings (not part of the SUP request.

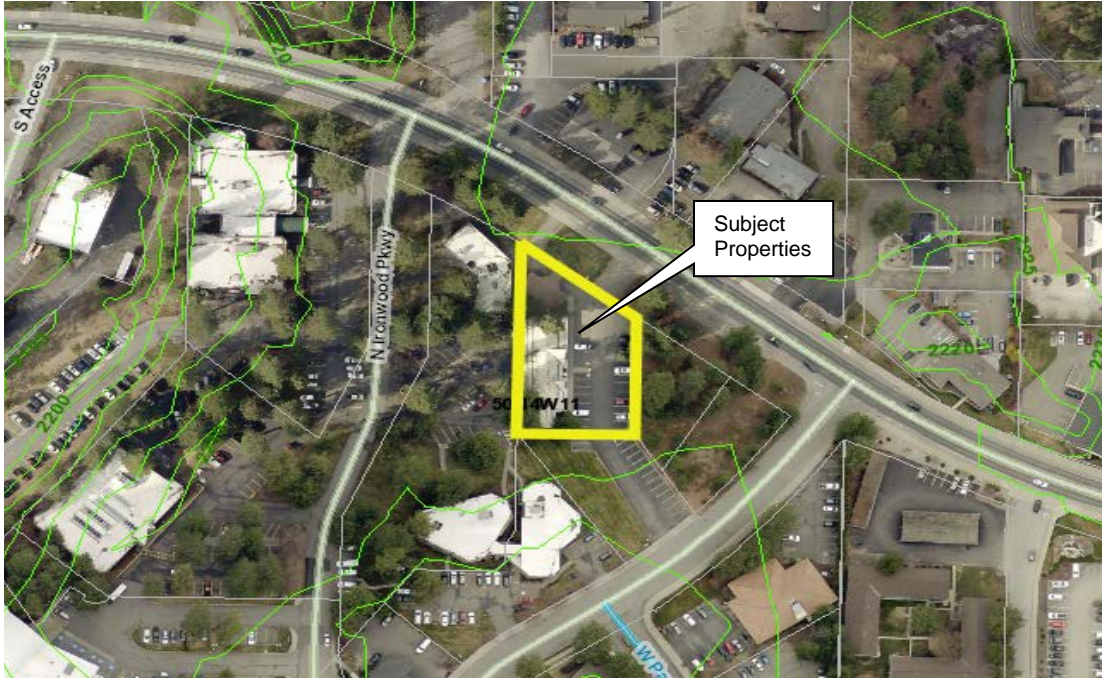
ZONING:



GENERALIZED LAND USE:



NATURAL FEATURES & ADJOINING PROPERTIES (5' CONTOURS IN GREEN):



SITE PHOTOS:

Looking west toward the subject property with an office building in the background:



Looking at the subject property near the access point off of Ironwood Drive:



View looking south from the Ironwood access at the proposed coffee shop and existing office buildings.



View looking at the medical offices with the with the subject property on the right (white bldg.):



View looking north from the parking lot of the subject property toward Ironwood Drive:



View from the entrance of the subject property looking east at the offices uses along Ironwood.:



Looking north across Ironwood Drive at the commercial business across the street:



Looking west along Ironwood Drive toward Northwest Boulevard:



Looking west from Ironwood Drive at the subject property and the neighboring building:



Evaluation: *The Planning Commission must determine, based on the information before them, whether the design and planning of the site is or is not compatible with the location, setting, and existing uses on adjacent properties. Specific ways in which the policy is or is not supported by this request should be stated in the finding.*

Finding #B8C: **The location, design, and size of the proposal are such that the development (will) (will not) be adequately served by existing streets, public facilities and services.**

WATER

There is adequate capacity in the public water system to support domestic, irrigation & fire flows for the proposed use.

There is an existing 12" water main in Ironwood Dr. with a 2" water service to the existing structure.

-Submitted by Terry Pickel, Water Superintendent

FIRE

The Fire Department works with the Engineering, Water and Building Departments to ensure the design of any proposal meets mandated safety requirements for the city and its residents:

Fire department access to the site (Road widths, surfacing, maximum grade and turning radiuses), in addition to, fire protection (Size of water main, fire hydrant amount and placement, and any fire line(s) for buildings requiring a fire sprinkler system) will be reviewed prior to final plat recordation or during the Site Development and Building Permit, utilizing the currently adopted International Fire Code (IFC) for compliance. The CD'A FD can address all concerns at site and building permit submittals with the corrections to the below conditions.

-Submitted by Bobby Gonder, Fire Inspector/Investigator

WASTEWATER

The Applicant proposes replacing the existing Pharmacy with a drive through coffee service. Presently, the existing building is connected to City sewer in Lakewood Dr to the south. A Retail Sewer CAP Credit is available for 952 SF of existing building (Pharmacy). Monthly Sewer Rates are based on water consumption.

-Submitted by Larry Parsons, Utility Project Manager

STORMWATER

Because no site construction is proposed, no stormwater management plan is required.

-Submitted by Chris Bosley, City Engineer

TRAFFIC

Traffic generation estimates from the ITE Trip Generation Manual indicate that traffic through the site could increase by 20 times the traffic generated by the previous use. However, it is expected that most of the traffic would already be using Ironwood Drive and Lakewood Drive rather than driving out of the way to the site as a destination. Streets and Engineering has no objections to the proposed SUP.

-Submitted by Chris Bosley, City Engineer

STREETS

The subject property is bordered by Ironwood Drive to the north. The existing driveway approaches on Ironwood Drive do not meet ADA requirements and must be replaced.

-Submitted by Chris Bosley, City Engineer

POLICE

The only concern with the proposed drive through is a slight increase in traffic on Ironwood Drive, which was mentioned by the City Engineer. There are no objections to the proposed request.

-Submitted by Jeff Walther, Patrol Captain

Evaluation: *The Planning Commission must determine, based on the information before them, whether the location, design, and size of the proposal are such that the development will or will not be adequately served by existing streets, public facilities and services. Specific ways in which the policy is or is not supported by this request should be stated in the finding.*

PROPOSED CONDITIONS:

Water

1. The proposed use may require changes to backflow protection which will be the responsibility of the facility owner to comply with at their expense.

Wastewater

2. Sewer CAP Fees will be calculated and due during the permitting process or at any time of observed expanded use of the property.
3. Further Wastewater requirements will be due at time of Building Permit if Indoor/Outdoor seating and there will be Pretreatment requirements if there will be full commercial kitchen or food preparation.

The Planning Commission may, as a condition of approval, establish reasonable requirements to mitigate any impacts that would adversely affect the surrounding neighborhood. Please be specific, when adding conditions to the motion.

ORDINANCES AND STANDARDS USED IN ASSESSMENT:

2022-2042 Comprehensive Plan
Transportation Plan
Municipal Code
Idaho Code
Wastewater Treatment Facility Plan
Water and Sewer Service Policies
Urban Forestry Standards
Transportation and Traffic Engineering Handbook, I.T.E.
Manual on Uniform Traffic Control Devices
2021 Parks Master Plan
2017 Trails and Bikeways Master Plan

ACTION ALTERNATIVES:

The Planning Commission must consider this request and make appropriate findings to approve, deny or deny without prejudice. The findings worksheet is attached.



**APPLICANT'S
NARRATIVE**

To whom it may concern,

I am requesting for consideration the special use approval of the property located at 1114 Ironwood Dr to be used for a to-go foodservice business.

As the current Zoning is C17L and does not include this use I have submitted the Special Use Permit application as required to move this project forward.

An overview of the project:

Sebastian's Coffee and Pastries is a small to-go coffee shop that will offer scratch made pastries, desserts, and other treats as well as artisan roasted coffee. In accordance with the 2007 Comprehensive plan, it is my goal to add to the business diversity in the area surrounding the proposed site, with a service that all office workers love. It is my hope to support the local workforce and residents with craft quality food and drinks that are scratch made, and contain fewer chemical preservatives than the typical prepackaged foods found in smaller drive-thru coffee shops. As is stated in the 2nd goal of the comprehensive plan, economic environment, I am seeking support in bringing year-round jobs to the area, as Sebastian's will have a staff of up to 6 full time employees.

The existing building at 1114 Ironwood Dr. was previously used as a drive-thru and counter service pharmacy. In this respect we are only changing one aspect of the buildings use. In its previous life the location was a place where you could easily access a product that would make your body feel better, in its proposed new life, it carries on that same roll, only a prescription is not required for purchase. As the building was originally set up to allow easy access to be "served by the existing street, public facilities and services" there will be very little impact in this case. Again, as the building is existing, compatibility "with the location, setting, and existing uses on adjacent properties" has very little effect. I had a conversation with a lady who works in one of the offices in the area where she expressed her excitement of the possibility of a coffee shop right across the street. She had stopped in to ask what was replacing the pharmacy because she didn't realize the pharmacy had closed and came to buy medicines. She explained how she just gets to change the "drug" she used to come to the shop to buy for coffee. In my conversations with many of the workers in the area, they have all expressed excitement in the prospect of having such a high caliber food operation so close. This is not to discredit other coffee shops in the area, but my background as a professional chef will be a marked difference in the operation. As most, not all, of the drive-thru coffee stands sell prepackaged foods, Sebastian's will sell scratch made goods made with higher quality ingredients and no preservatives or other chemicals used by mass producing bakeries. Same with the coffee we intend to serve, all of our coffee beans are ethically sourced from single origins, then roasted and blended to bring the highest quality product to market as we can.

I thank you for your time and consideration.

Travis White

PLANNING COMMISSION STAFF REPORT

FROM: MIKE BEHARY, ASSOCIATE PLANNER

DATE: DECEMBER 13, 2022

SUBJECT: ZC-3-22 A ZONE CHANGE FROM R-12PUD AND C-17PUD TO R-17PUD

SP-5-22: A SPECIAL USE PERMIT FOR A DENSITY INCREASE FROM R-17 TO R-34

PUD-2-19m2: MODIFICATION OF "RIVER'S EDGE" PLANNED UNIT DEVELOPMENT

LOCATION: SUBJECT PROPERTIES ARE LOCATED AT 3528 AND 3404 W. SELTICE WAY

APPLICANT/OWNER:

River's Edge Apartments, LLC
1402 Magnesium Road, Suite 202
Spokane, WA 99217

THREE DECISION POINTS:

- 1) A request to change the zoning on +/- 7.5 acres from R-12PUD to R-17PUD, and to down zone +/- 13.09 acres from C-17PUD to R-17PUD.
- 2) A request for a special use permit for a density increase to R-34 that will allow for a maximum overall density of 26.4 units per acre.
- 3) A request for a modification of Planned Unit Development (PUD) to remove a 431 unit mini-storage facility and to remove 28 single-family residential lots along the river and replace it with 296 multi-family units, public open space, and a 16 foot wide trail adjacent to the river that allows the public access to the river.

MAP: LOCATION FOR HEARING ITEMS:



HISTORY:

The subject site has had three request that were held before the Planning Commission since 2018.

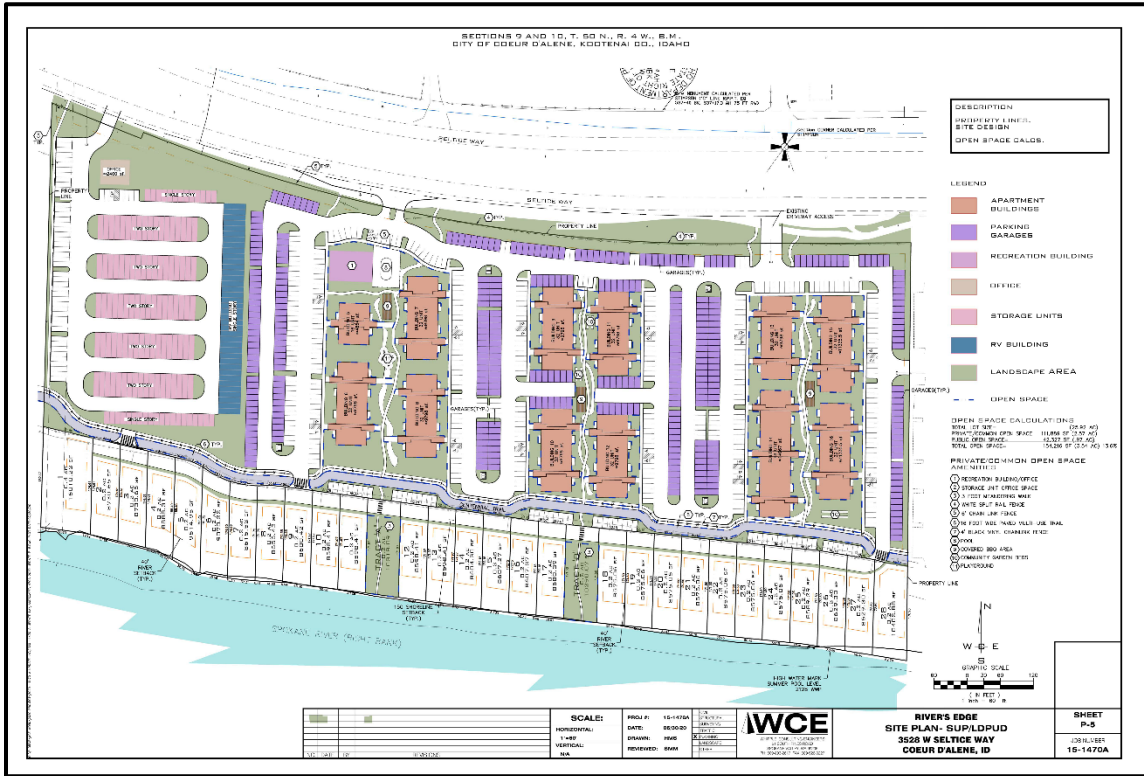
The first request was heard in December 2018 by the Planning Commission. The development proposal was for an 850-unit apartment facility with a public trail located along the river. The Planning Commission recommended approval of the request for a zone change. The other two items, a special use permit (SP-11-18) and a Limited Design PUD (LDPUD-1-18), were denied without prejudice by the Planning Commission and the applicant appealed to the City Council. The zone change request was heard by the City Council on March 5, 2019, which denied the request. A motion was then passed dismissing the appeal of denial of the requests for a SUP and LPUD as those requests were deemed moot based on the denial of the zone change.

The applicant's second development proposal request at this site was heard in July of 2019. This PUD and subdivision consisted of a 250-unit apartment facility, a mini-storage facility, and a private gated residential community along the river. This PUD and subdivision are known as "River's Edge". The City's 3.6-acre property that bisects the applicant's property was not part of this request. The Planning Commission approved the applicants request for this PUD and subdivision in items PUD-2-19 and S-2-19.

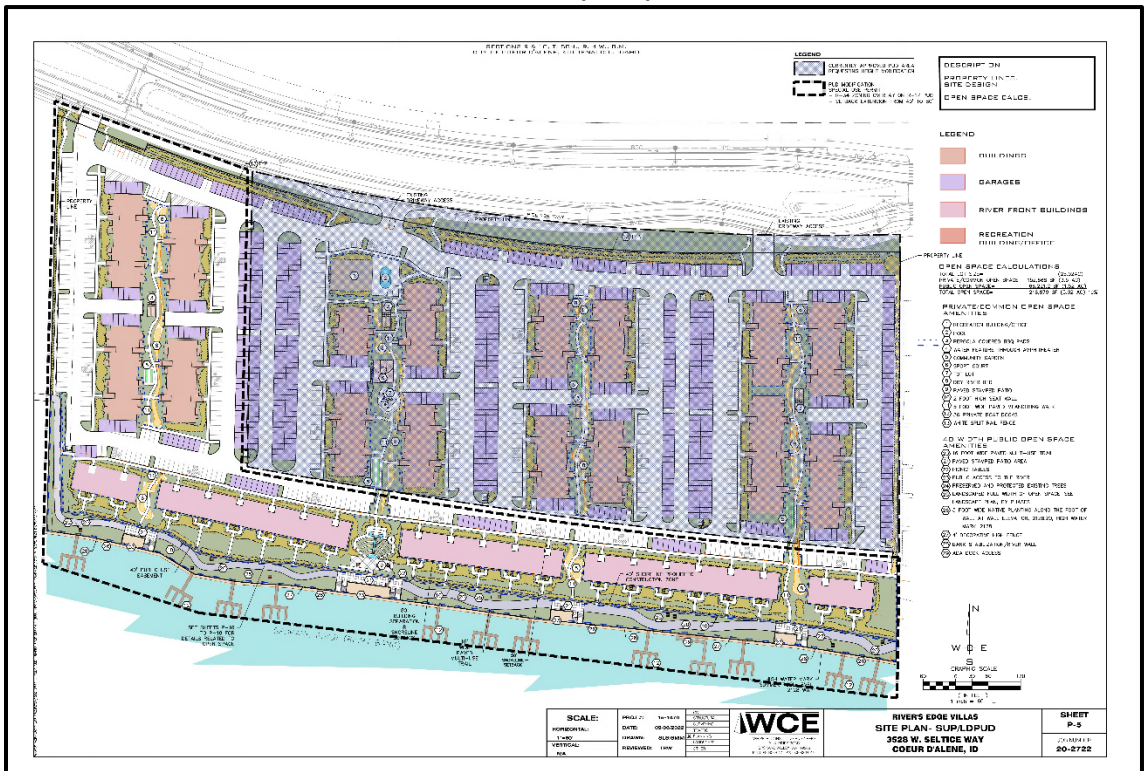
The applicant's third development proposal request was heard in August of 2020. This allowed the applicant to incorporate the City's 3.6-acre property that bisects the applicant's property into the overall project. The City's 3.6-acre property was part of land swap with applicant and the city. This proposal allowed for 384-unit apartment facility, 431 mini storage units, and 28 single family residential lots along the river. The Planning Commission approved the applicants request for this PUD, Special Use Permit (Density increase to R-34 on the City's 3.6 acres tract), and Subdivision in items PUD-2-19m, SP-5-20, and S-2-19m. See 2020 PUD Site Plan on page 3.

The applicant's current proposal will remove the 431 unit mini-storage facility and the 28 single-family residential lots along the river from the project and replace it with 296 multi-family units, public open space, and a 16 foot wide trail adjacent to the river that allows the public access to the river. See current PUD Site Plan (2022) below on page 3.

RIVERS EDGE PUD SITE PLAN: APPROVED IN 2020



RIVERS EDGE SITE PLAN: NEW PROPOSED (2022) PUD



ZC-3-22: Zone Change

DECISION POINT:

The applicant is requesting approval to change the zoning on +/- 7.5 acres from R-12PUD to R-17PUD, and to down zone +/- 13.09 acres from C-17PUD to R-17PUD.

BACKGROUND INFORMATION:

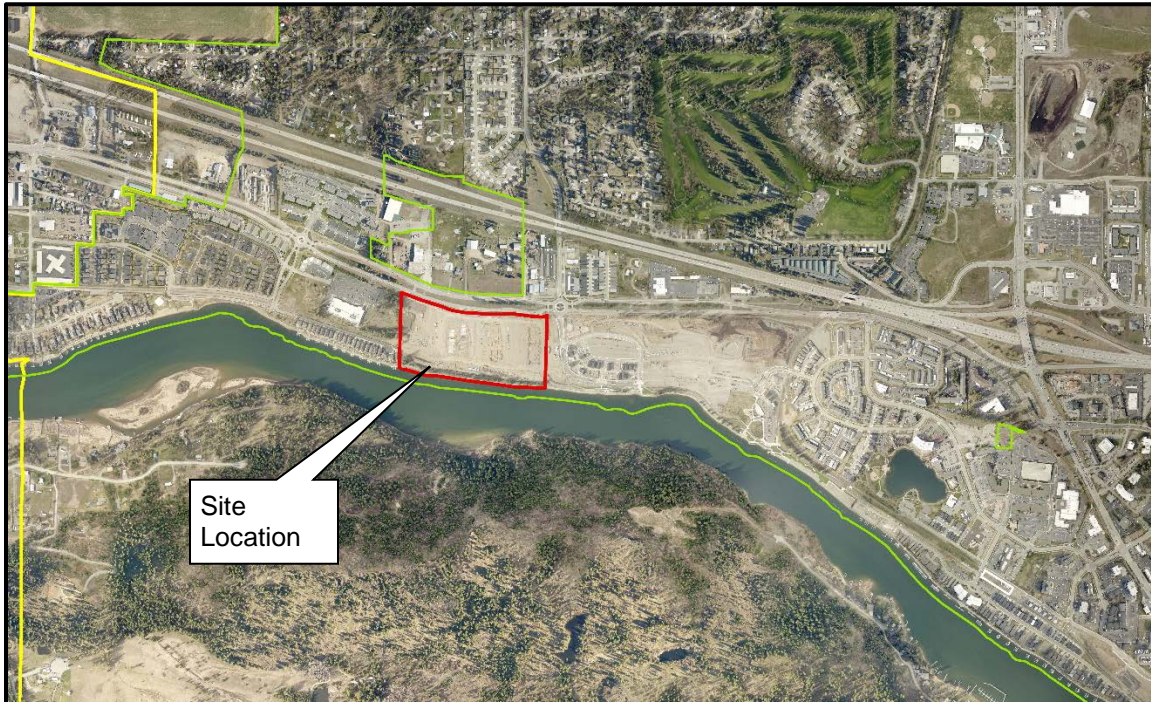
The subject site is located south of Seltice Way, north of the Spokane River, and is west of and adjacent to the Atlas Mill site. The subject property is currently under construction and is in conformance with PUD-2-19m that was approved in 2020. Prior to 2004, the subject site was once part of a large saw mill facility that was active on this site for many years. The saw mill has since closed and all the buildings have been removed from this site. The applicant's overall property was annexed into the city in early 2014 with C-17 and R-12 zoning. *See existing Zoning Map on Page 6.*

The applicant is proposing a zone change from R-12 to R-17 on +/- 7.5 acres and to down zone +/-13.09 acres from C-17 to R-17. The applicant is proposing to eliminate the split zoning over part of the property that will allow for uniform zoning of R-17 throughout the majority of the project. The applicant has indicated that the proposed down zone to R-17 from C-17 will help alleviate the concern for large retail commercial uses being allowed along the river. *See proposed Zoning Map on Page 7*

The applicant has made application for a density increase in item SP-5-22. The density increase request will allow an overall density of 26.4 units per acre, if approved. See page 29 for the Special Use portion of this staff report. The applicant has also made application for a PUD modification in item PUD-2-19m2. If approved the applicant intends to develop the property with a residential use only. See page 52 for the PUD modification portion of this staff report.

The proposed PUD modification request is to remove the 431 unit mini-storage facility and the 28 single-family residential lots along the river from the project and replace it with 296 multi-family units, public open space, and a 16 foot wide trail adjacent to the river that allows the public access to the river. The applicant has submitted a PUD site plan showing how the proposed project will be developed. *See applicant proposed PUD Site Plan on Page 6.*

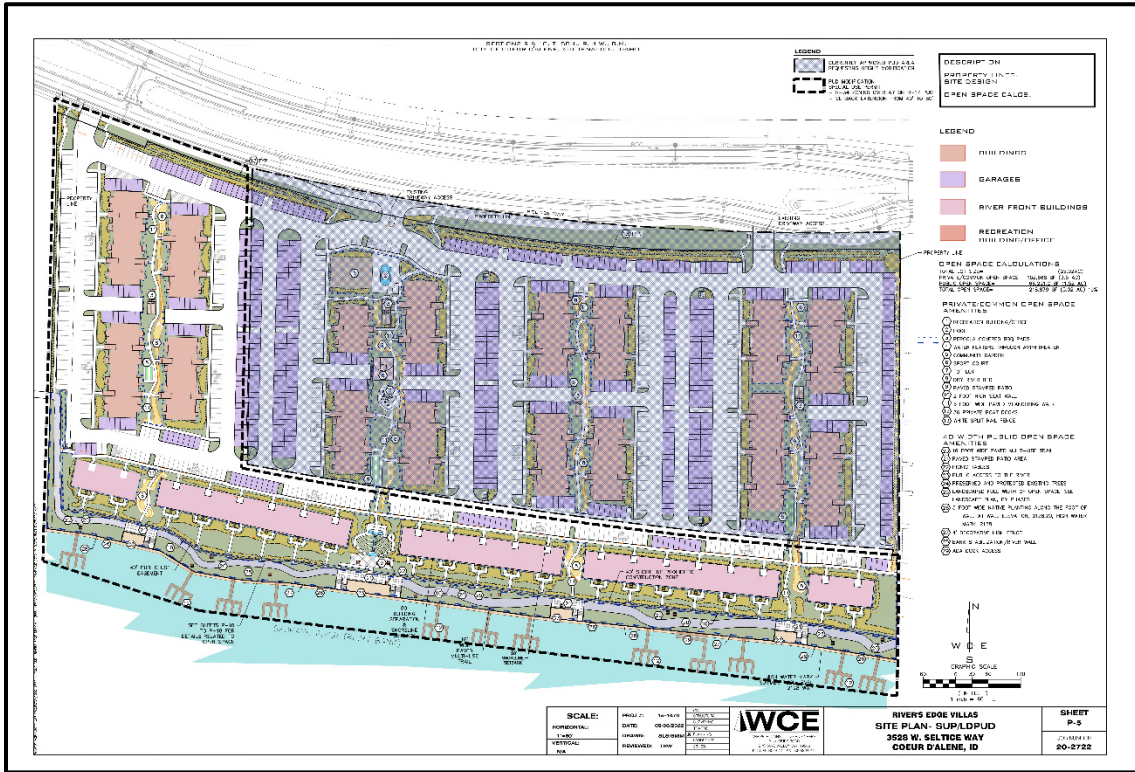
LOCATION MAP:



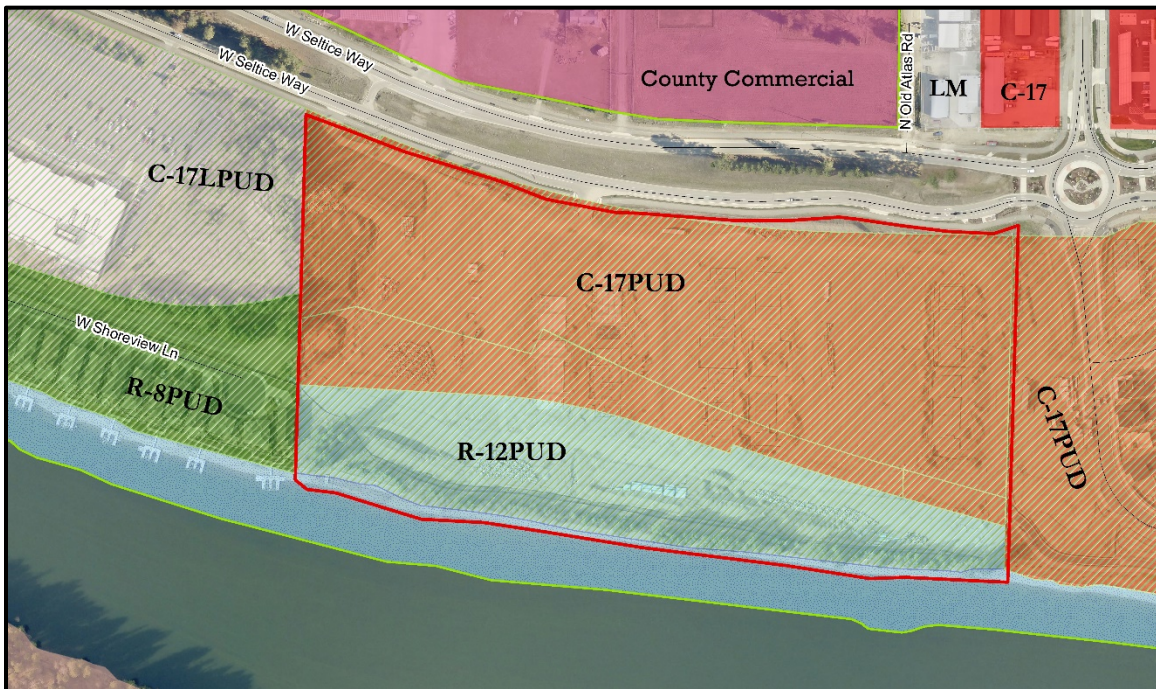
AERIAL PHOTO: ZOOM IN MAP



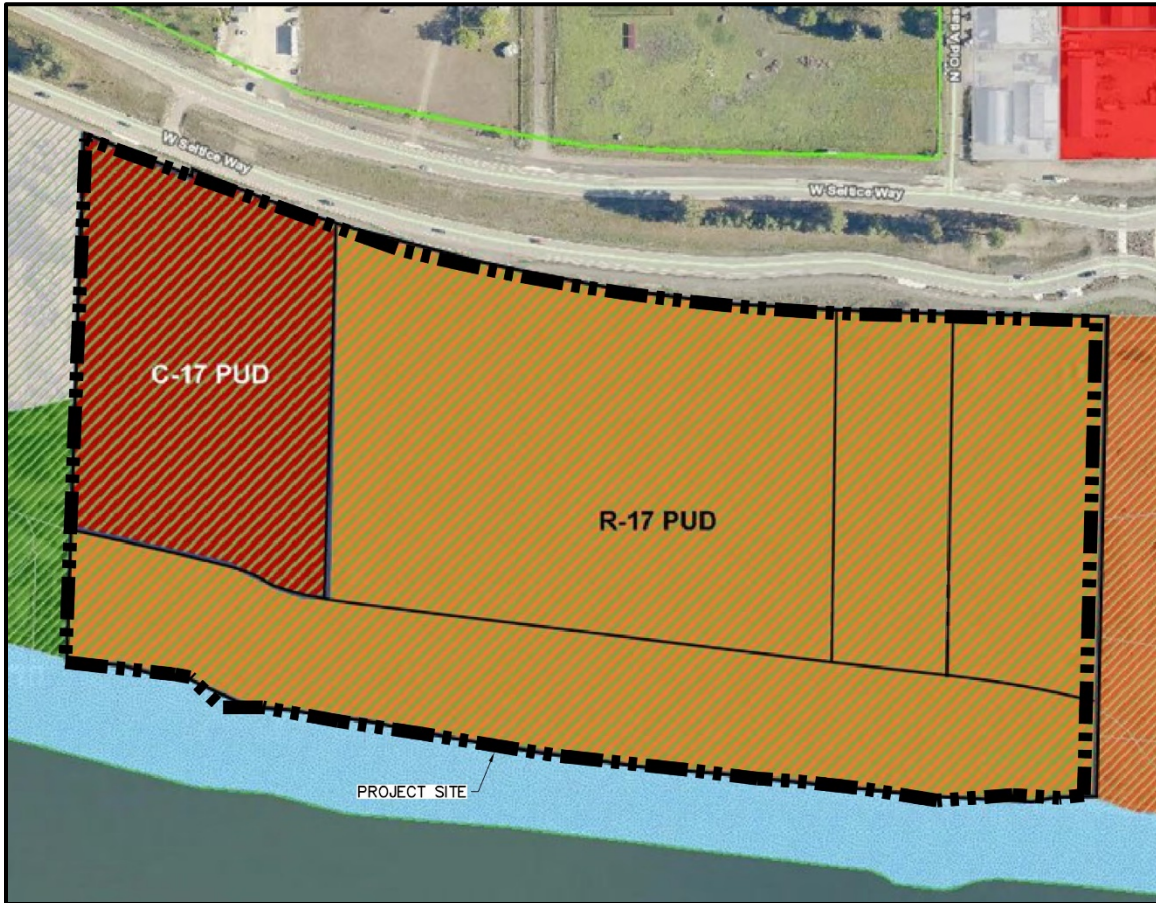
RIVERS EDGE SITE PLAN: NEW PROPOSED (2022) PUD



AERIAL PHOTO: EXISTING ZONING



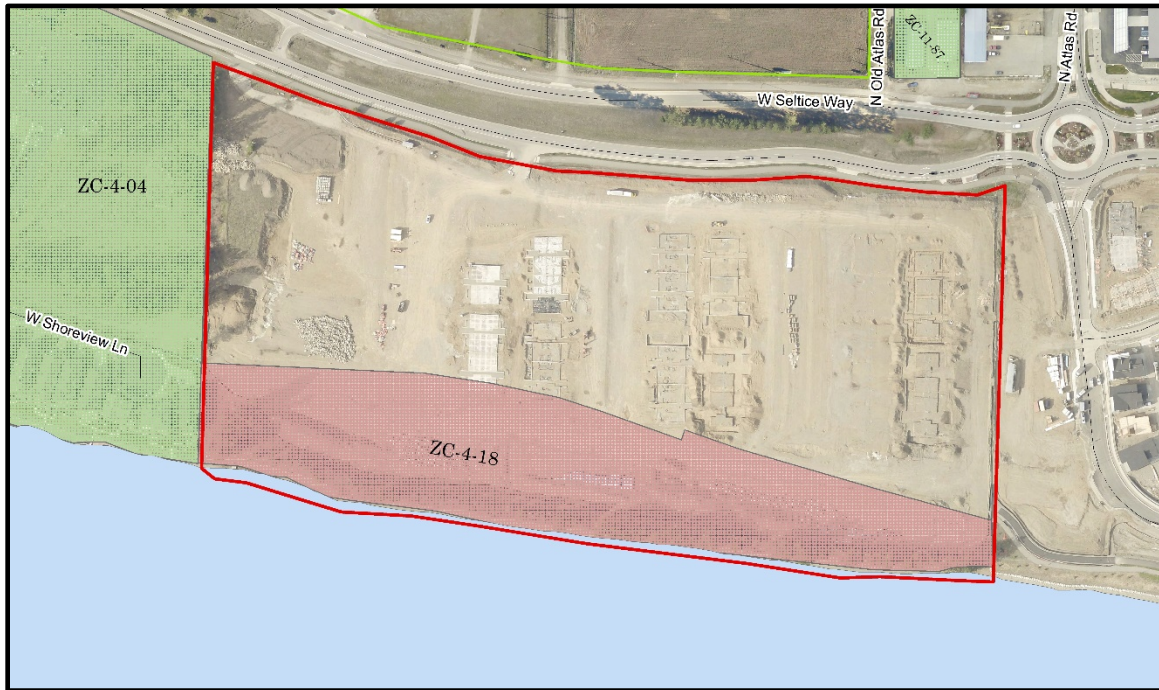
APPLICANT'S EXHIBIT OF PROPOSED ZONE CHANGE:



PRIOR ZONE CHANGE ACTIONS:

Planning Commission and City Council approved multiple zone change requests in item ZC-4-04 west of the subject property from R-3, R-8, R-17, and C-17 to R-3, R-8, R-17, C-17L, and C-17 in 2004. To the north of the subject site a zone change was approved by the Planning Commission and City Council in 1987 to change the zoning classification from C-17 to LM in item ZC-11-87. To the east is the Atlas Waterfront mixed-use project that is zoned C-17PUD and was approved as part of the Annexation process in 2018. As seen in the map provided below, the area is relatively established with approved residential uses in the vicinity of the subject property. See *Prior Zone Change Actions Map below on page 8.*

PRIOR ZONE CHANGE ACTIONS MAP:



Past Zone Changes:

ZC-4-18	R-12 to C-17		Denied
ZC-4-04	<u>Existing zoning</u>	<u>Proposed zoning</u>	Approved
	R-3 26.1 acres	R-3 25.9 acres	
	R-8 37.3 acres	R-8 31.6 acres	
	R-17 22.4 acres	R-17 13.1 acres	
	C-17 14.1 acres	C-17 19.7 acres	
	C-17L None	C-17L 10.1 acres	
ZC-11-87	C-17 to LM		Approved

Applicant’s Workforce Housing Commitment:

The applicant has indicated that he is proposing some workforce housing units be available as part of this proposal. See applicant’s proposed workforce housing statement below.

“I am willing to make 5% of any additionally approved units available to people making Coeur d’Alene’s AMI for a 4 person household. I offer this for a period of 5 years commencing when the first buildings Certificate of Occupancy is issued”.

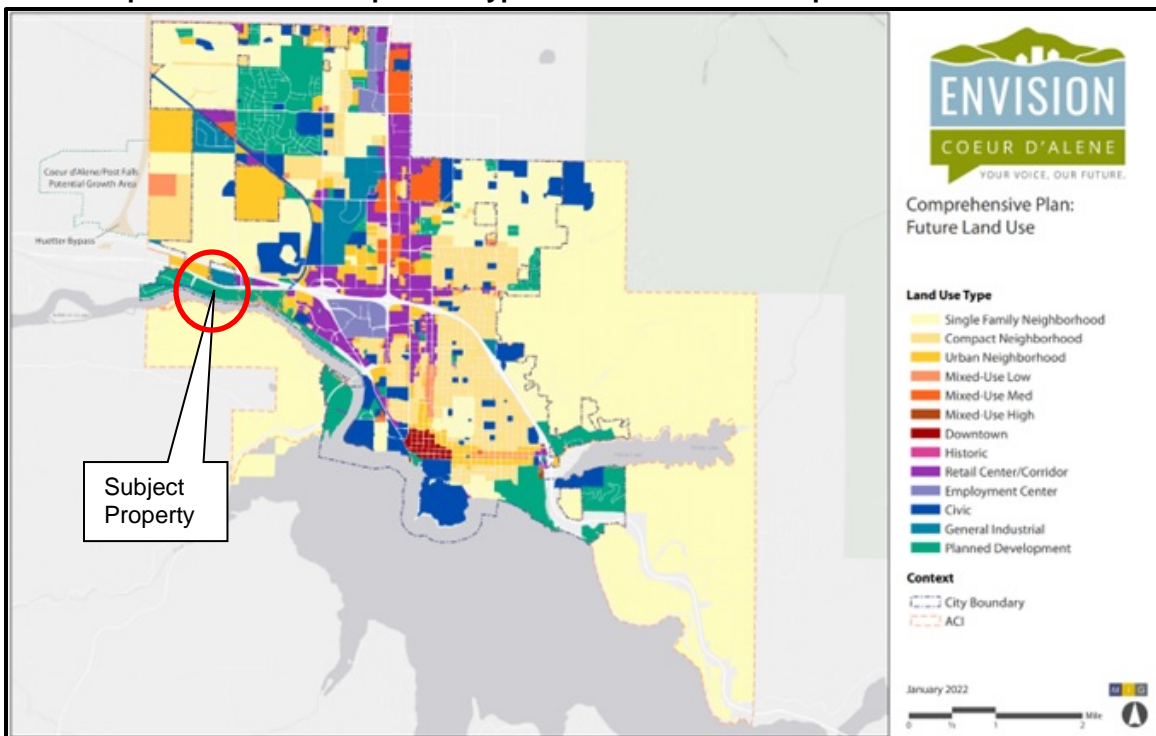
REQUIRED FINDINGS:

- A. **Finding #B8:** That this proposal (is) (is not) in conformance with the Comprehensive Plan policies.

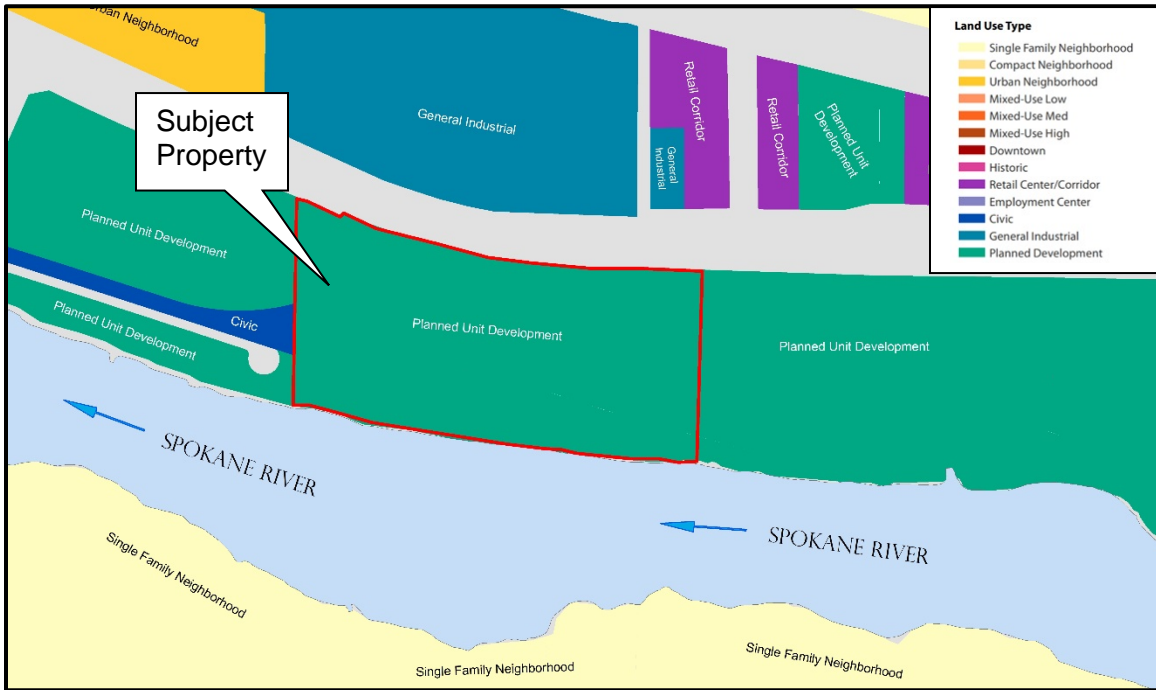
2042 COMPREHENSIVE PLAN- LAND USE CATEGORY:

- The subject property is within the existing city limits.
- The City Comprehensive Plan designates the subject site to be in the Planned Development place type.
- The subject property is located in the City's Area of Impact

2042 Comprehensive Plan Map Place Type: Planned Unit Development



Comprehensive Plan Place Type: Planned Unit Development



Planned Development

Key Characteristics
 Planned Development places are locations that have completed the planned unit development application process. As part of that process the City and the applicant have agreed to a determined set of complementary land uses that can include a number of Place Types. Planned development also often has a determined phasing and development plan and can include land uses such as housing, recreation, commercial centers, and industrial parks, all within one contained development or subdivision. Building design and scale, and transportation, public space and other elements are determined by the City of Coeur d'Alene's PUD evaluation process.

Transportation

- Dependent on PUD approvals it large lots. Access should include pedestrian and bicycle facilities

Typical Uses

- Primary: Dependant on PUD approval agreements
- Secondary: Not applicable

Building Types

- Varies by PUD

Compatible Zoning

- Not applicable. Planned Development may occur within any Place Type (1.5 acre minimum).

PLACE TYPE: Planned Development

Planned Development places are locations that have completed the planned unit development application process. As part of that process, the City and the applicant have agreed to a determined set of complementary land uses that can include a number of Place Types. Large scale Planned developments often have a determined phasing and development plan and may include land uses such as housing, recreation, commercial centers, civic, and industrial parks, all within one contained development or subdivision. Building design and scale, transportation, open space, and other elements are approved through the City of Coeur d'Alene's PUD evaluation process.

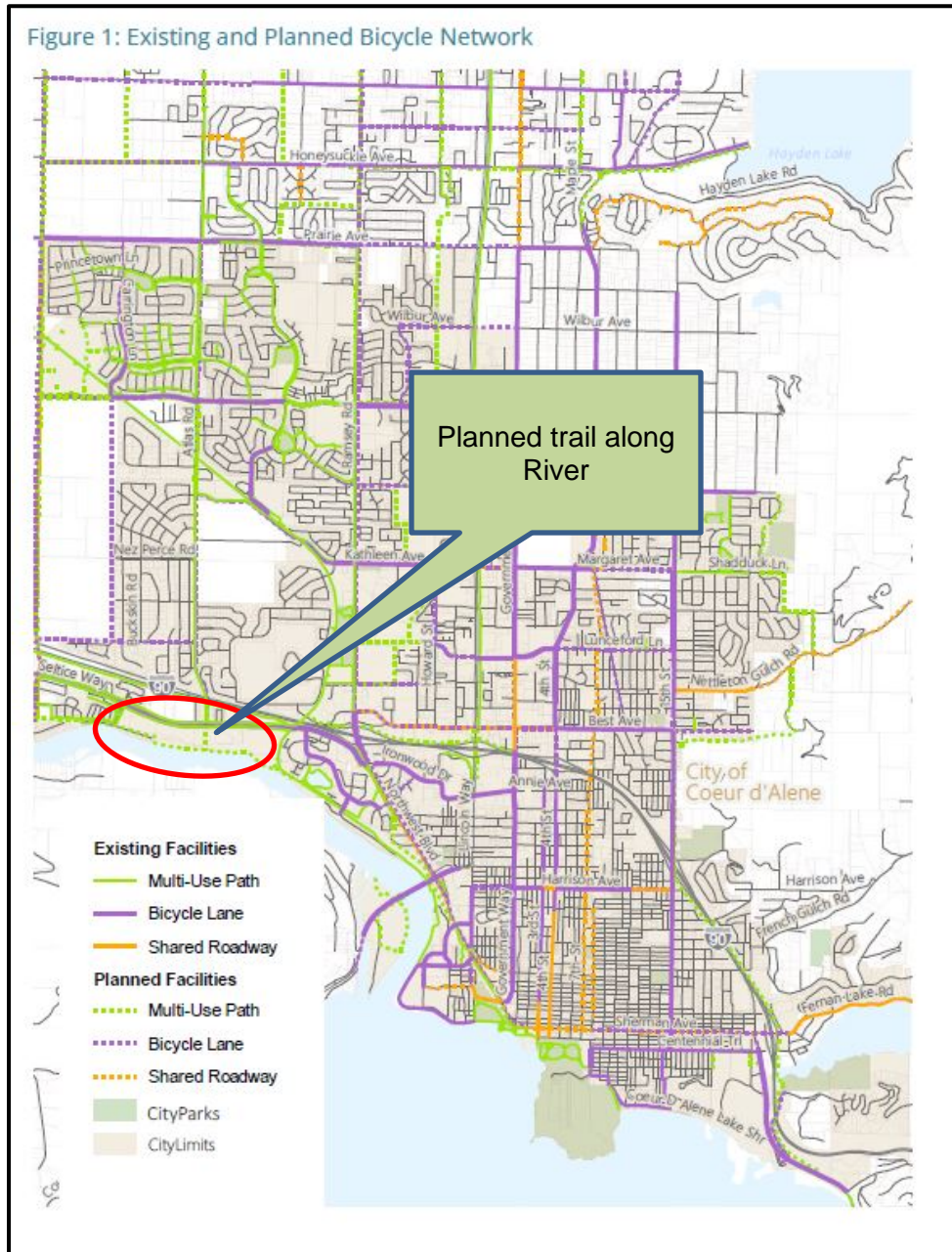
Comprehensive Plan: Public access to Shorelines

Shorelines



The City of Coeur d'Alene is known for its shorelines which measure 9.05 miles and of which 6.23 miles are public (which include NIC beach and the public boardwalks at both Bellerive and the Coeur d'Alene Resort). They are an asset and provide a multitude of benefits. Community pride, economic advantages, transportation, recreation, and tourism are just a few examples of how shorelines affect the use and perception of our city. Public access to and enhancement of our shorelines is a priority. Shorelines are a community benefit and they must be protected. To ensure preservation, the City has an ordinance that protects, preserves, and enhances our visual resources and public access by establishing limitations and restrictions on specifically defined shoreline property located within city limits. To increase desired uses and access to this finite resource, the city will provide incentives for enhancement. Efficient use of adjacent land, including mixed use and shared parking where appropriate, are just a few tools we employ to reach this goal.

Comprehensive Plan: Public trail along Shoreline



2042 Comprehensive Goals and Objectives that apply:

Community & Identity

Goal CI 1

Coeur d'Alene citizens are well informed, responsive, and involved in community discussions.

OBJECTIVE CI 1.1

Foster broad-based and inclusive community involvement for actions affecting businesses and residents to promote community unity and involvement.

Goal CI 3

Coeur d’Alene will strive to be livable for median and below income levels, including young families, working class, low income, and fixed income households.

OBJECTIVE CI 3.1

Support efforts to preserve existing housing stock and provide opportunities for new affordable and workforce housing.

Environment & Recreation

Goal ER 1

Preserve and enhance the beauty and health of Coeur d’Alene’s natural environment.

OBJECTIVE ER 1.1

Manage shoreline development to address stormwater management and improve water quality.

OBJECTIVE ER 1.4

Reduce water consumption for landscaping throughout the city.

Goal ER 2

Provide diverse recreation options.

OBJECTIVE ER 2.2

Encourage publicly-owned and/or private recreation facilities for citizens of all ages. This includes sports fields and facilities (both outdoor and indoor), hiking and biking pathways, open space, passive recreation, and water access for people and motorized and non-motorized watercraft.

OBJECTIVE ER 2.3

Encourage and maintain public access to mountains, natural areas, parks, and trails that are easily accessible by walking and biking.

Growth & Development

Goal GD 1

Develop a mix of land uses throughout the city that balance housing and employment while preserving the qualities that make Coeur d’Alene a great place to live.

OBJECTIVE GD 1.1

Achieve a balance of housing product types and price points, including affordable housing, to meet city needs.

OBJECTIVE GD 1.5

Recognize neighborhood and district identities.

OBJECTIVE GD 1.7

Increase physical and visual access to the lakes and rivers.

Goal GD 3

Support the development of a multimodal transportation system for all users.

OBJECTIVE GD 3.1

Provide accessible, safe, and efficient traffic circulation for motorized, bicycle and pedestrian modes of transportation.

The Comprehensive Plan speaks to housing in seven action items and several goals and objectives. The applicant has made a commitment to allocating 5% of the new units for workforce housing at the Area Median Income for five years.

Evaluation: *The Planning Commission must determine, based on the information before them, whether the Comprehensive Plan policies do or do not support the request. Specific ways in which the policy is or is not supported by this request should be stated in the finding.*

- B. **Finding #B9: That public facilities and utilities (are) (are not) available and adequate for the proposed use.**

STORMWATER:

The City Code requires a stormwater management plan to be submitted and approved prior to any construction activity on the site. Development of the subject property will require that all new storm drainage be retained on site. This issue will be addressed at the time of plan review and site development of the subject property.

- Submitted by Chris Bosley, City Engineering

STREETS:

The subject property is bordered by Seltice Way to the north, which has been recently reconstructed to City standards. No alterations will be required. Streets & Engineering has no objections to the proposed zone change/PUD.

- Submitted by Chris Bosley, City Engineer

WATER:

There is adequate capacity in the public water system as a whole to support domestic, irrigation and fire flow for the proposed zone change. There is an existing 12 inch and eight inch water infrastructure recently installed on the project including fire hydrants and services. The Water Department has no objections to the zone change as proposed.

-Submitted by Terry Pickle, Water Department Director

PARKS:

The 2017 Trails and Bikeways Master Plan requires a shared use path located along the north side of the Spokane River. The Parks Department has reviewed the PUD and has one change. The proposed trail has a sharp 90-degree turn planned near the western end of the trail where it turns west and goes off the property. According to MUTCD standards the turn in the trail must have a gentler curve upwards than the planned 90-

degree turn. The distance in the curve cannot be less than 60 feet long. It is possible to begin the curve closer to the south property line of the adjacent parcel and then end the trail in the middle of the curve at the property line. The curve can be finished when the City extends the trail in the adjacent property to the west. The other 90-degree curve to the south looks to have a larger turn radius and is (likely) acceptable.

The property owner will have to maintain all the landscaping, beaches, amphitheater and docks in the proposal. The City will plow snow and sweep/blow the surface of the trail on a regular basis.

The asphalt mix used in the trail should have 3/8-inch rock instead of the typical 3/4-. This is referred to as driveway mix and provides a smoother surface for bicycles, wheelchairs, skateboards, rollerblades and strollers. Our standards require 4 inches of compacted gravel and 2 inches of asphalt.

It is also helpful to sterilize the surface under where the trail will go to prevent weeds from growing through and damaging the trail. The Parks Department has no objection to the zone change as proposed.

-Submitted by Monte McCully, Trails Coordinator

WASTEWATER:

Based on the 2013 Sewer Master Plan (SMP) Appendix J, this subject property falls under the Mill River Sewer Lift Station Basin which was modeled for 17 units per acre. The SMP requires this property to connect to the public sewer that was extended east from Shoreview Lane and was extended "to and through" the subject property to their easterly property line. Since sewer capacity falls under a "1st come 1st served basis", and while the City presently has the capacity to serve.

The Special Use's proposed density increase to R-34 will require hydraulic modeling of the added PUD sewer flows into the Mill River Pump Station. City sewer is already on this site from the east end of Shoreview Lane and through this parcel to the east at Atlas Waterfront.

Sewer Policy #719 requires a 20' wide utility easements (30' if shared with Public Water) or R/W dedicated to the city for all city sewers. Sewer Policy #719 requires an "All-Weather" surface permitting O&M access to the city sewer. City Resolution 14-025 requires all EDUs within the Mill River Lift Station Sewer Service Area to pay into the capacity system upgrades to the Mill River Lift Station. Sewer Policy #716 requires all legally recognized parcels within the City to be assigned with a single (1) public sewer connection. The Applicant shall be responsible for all O&M of the private sewer. The City of CDA will not be financially obligated for any O&M costs associated with a private sewerage system. Idaho Code §39-118 requires IDEQ or QLPE to review and approve public infrastructure plans for construction.

-Submitted by Larry Parsons, Utility Project Manager

FIRE:

The Fire Department works with the Engineering and Water Departments to ensure the design of any proposal meets mandated safety requirements for the city and its residents.

Fire department access to the site (road widths, surfacing, maximum grade, and turning radiuses), in addition to, fire protection (size of water main, fire hydrant amount and placement, and any fire line(s) for buildings requiring a fire sprinkler system) will be reviewed prior to building permit or during site development, and building permit, utilizing the currently adopted International Fire Code (IFC) for compliance. The City of Coeur d'Alene Fire Department can address all concerns at site and building permit submittals. The Fire Department has no objection to the zone change as proposed.

-Submitted by Bobby Gonder, Fire

POLICE:

The police department has indicated that any development may require an increase in personnel, but that will be handled through the City's budgeting process. The police department does not object to this Project.

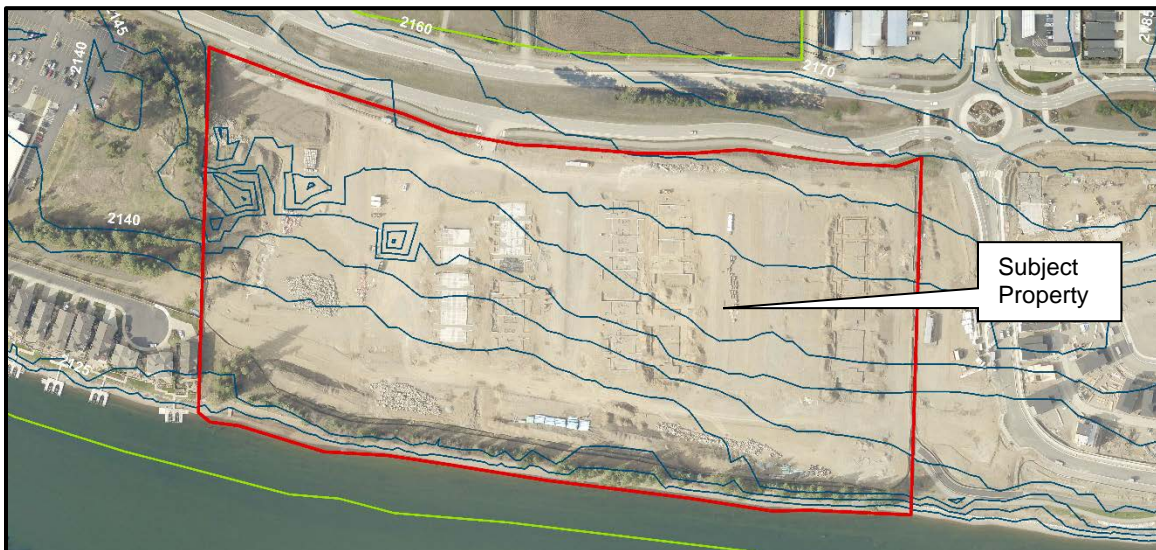
Evaluation: *The Planning Commission must determine, based on the information before them, whether or not the public facilities and utilities are adequate for the request.*

- C. **Finding #B10:** **That the physical characteristics of the site (do) (do not) make it suitable for the request at this time.**

PHYSICAL CHARACTERISTICS:

The subject property is higher along Seltice Way and slopes downward toward the Spokane River to the south. There is an approximately thirty foot elevation drop on the overall property. There are no topographical or other physical constraints that would make the subject property unsuitable for the zone change request. *See topographic map below and site photos that are provided below and on the next few pages.*

TOPOGRAPHIC MAP:



SITE PHOTO - 1: North central part of property looking west along Seltice Way.



SITE PHOTO - 2: North central part of property looking west.



SITE PHOTO - 3: North central part of property looking southwest.



SITE PHOTO - 4: North central part of property looking south.



SITE PHOTO - 5: North central part of property looking southeast.



SITE PHOTO - 6: North central part of property looking west.



SITE PHOTO - 7: Southeast part of property looking southeast along trail and river.



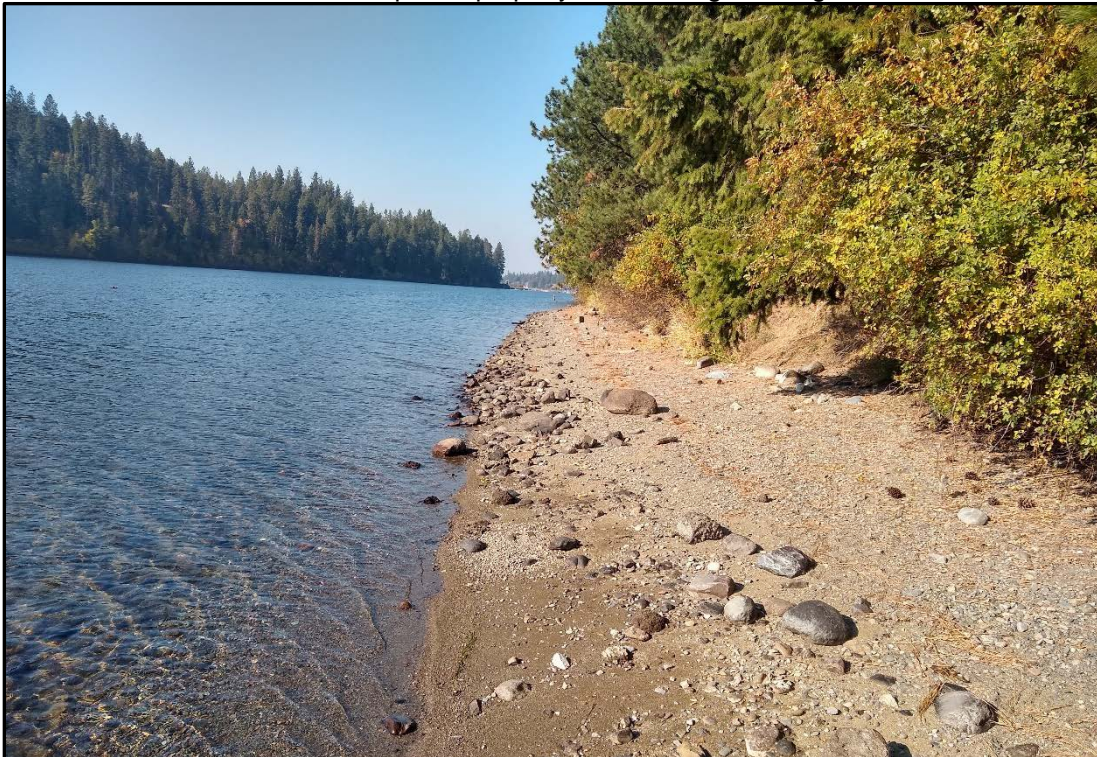
SITE PHOTO - 8: Southeast part of property looking northwest along trail and river.



SITE PHOTO - 9: Southeast part of property looking southeast to neighboring property along river.



SITE PHOTO - 10: South central part of property at rivers edge looking west.



Evaluation: *The Planning Commission must determine, based on the information before them, whether or not the physical characteristics of the site make it suitable for the request at this time.*

- D. **Finding #B11: That the proposal (would) (would not) adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, (and) (or) existing land uses.**

TRAFFIC:

The subject property is bordered by Seltice Way to the north, which is a principal arterial connecting the cities of Coeur d'Alene and Post Falls. According to the November 1, 2022 Trip Generation and Distribution Letter by Whipple Consulting Engineers, over 1000 additional trips per day could be generated by proposed modification to the development at full build-out. This results in approximately an additional 94 AM and 50 PM peak hour trips. Although Seltice Way is currently operating at an acceptable Level of Service and the proposed development will not cause excessive congestion, future traffic levels forecasted by KMPO and referenced in the Trip Generation and Distribution Letter show that congestion levels by 2035 will reach undesirable levels even without this proposed development. This is due to regional growth that has been focused in the west and northwest areas of the City, as well as limited travel corridors available into Coeur d'Alene. The Streets & Engineering Department has no objection to the proposed development, but requests a Traffic Mitigation Plan be funded by the applicant to identify congestion mitigation measures that can be funded by development impact fees prior to reaching the forecasted congestion levels. The engineering firm performing the Traffic Mitigation Plan will be chosen by the City from the City's approved on-call consultant list.

-Submitted by Chris Bosley, City Engineering

NEIGHBORHOOD CHARACTER:

The subject property is located in a residential and mixed use area with multi-family units located to the east and west of the subject property. To the east is the Atlas Waterfront project, which is a mixed use development with single family, multifamily, townhomes and some commercial uses. Construction is underway in the Atlas Waterfront neighborhood. The approved 2020 Rivers Edge PUD is currently being developed and some of which is under construction.

This area from its historic past use as a site of a major waterfront sawmill. In place of sawmills, recently subdivided property in this area along portions of the shoreline is developing into luxury residential units, and mixed use structures. Large ownership patterns in the neighborhood have provided opportunities for large scale master planning.

SURROUNDING LAND USES AND ZONING:

There is a pedestrian trail that parallels the river in the Atlas Waterfront mixed-use development and is proposed to continue through the subject site along the river through the whole length of the applicant's property. This is an active and passive recreational use that is used significantly by the public.

The properties along the north side of Seltice Way have residential and commercial uses on them with commercial zoning that is in the County. The properties to the west have commercial and single family dwellings on them and are zoned R-8PUD and C-17LPUD. The Atlas Waterfront property to the east is a mixed use development and is zoned C-17PUD.

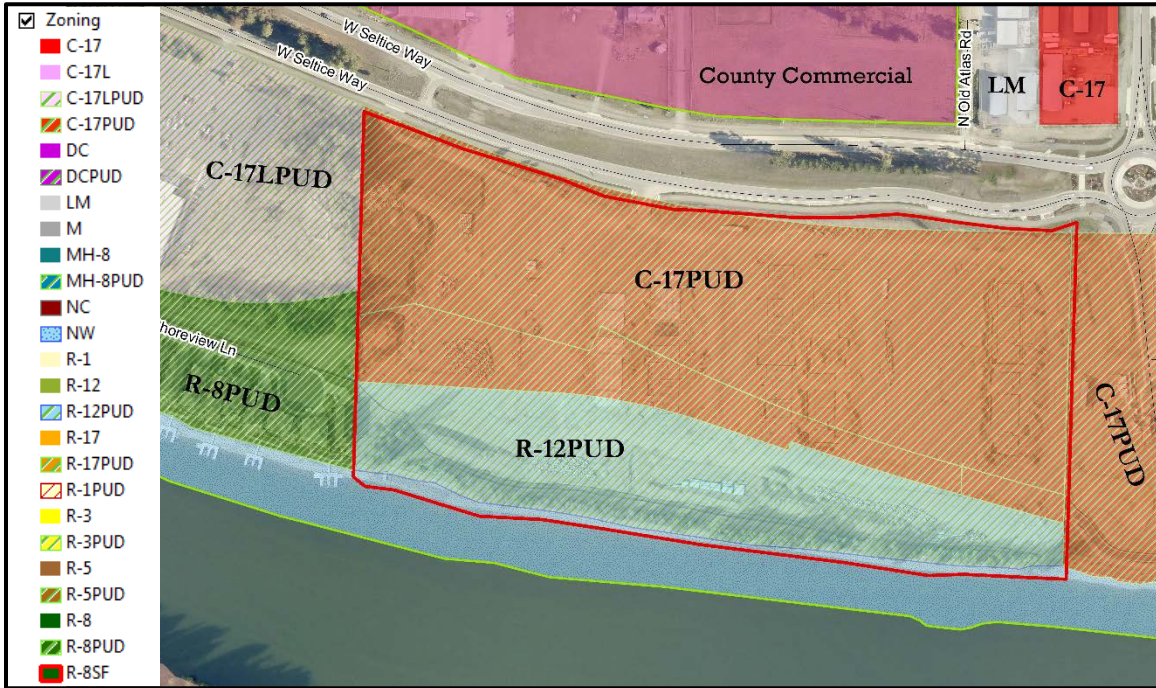
Seltice Way runs along the applicant overall property along the northern boundary. Seltice Way is finished with its overall upgrade. The revitalized Seltice Way included a new roundabout at the Atlas intersection and the applicant has three access points at which will provide access to the northwestern portion of the property.

The Spokane River runs along the southern edge of the property. The river is primarily used for recreational activities and has the Navigable Water Zoning District designation. See *Generalized Land Use Map, Existing Zoning Map, and Proposed Zoning Map* below on pages 23-24.

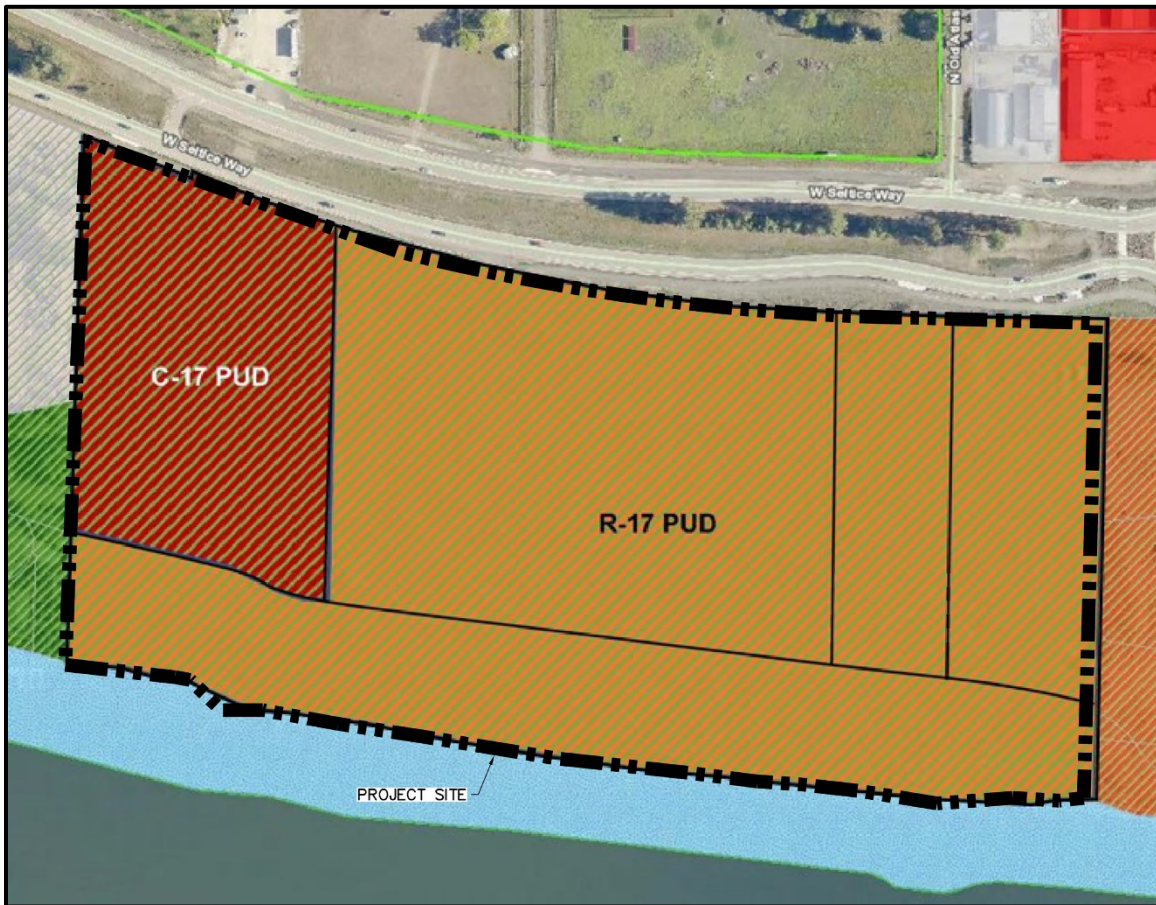
GENERALIZED LAND USE PATTERN:



ZONING MAP: Existing Zoning



PROPOSED ZONING MAP:



Approval of the zone change request would allow the uses by right to change from R-12 uses to R-17 uses (as listed below). Keep in mind that the applicant is also requesting a modification of the PUD that will lock in the use per the PUD requirements and conditions.

EXISTING ZONING: R-12 RESIDENTIAL ZONING DISTRICT

The R-12 district is intended as a residential area that permits a mix of housing types at a density not greater of twelve (12) units per gross acre.

17.05.180: PERMITTED USES; PRINCIPAL:

Principal permitted uses in an R-12 district shall be as follows:

- Administrative Office
- Duplex housing
- Essential service
- Home occupation
- Neighborhood recreation
- Public recreation
- Single-family detached housing

17.05.190: PERMITTED USES; ACCESSORY:

Accessory permitted uses in an R-12 district shall be as follows:

- Accessory dwelling unit.
- Garage or carport (attached or detached).
- Private recreation facility (enclosed or unenclosed).

17.05.200: PERMITTED USES; SPECIAL USE PERMIT:

Permitted uses by special use permit in an R-12 district shall be as follows:

- Boarding house
- Childcare facility
- Commercial film production
- Commercial recreation
- Community assembly
- Community education
- Community organization
- Convenience sales
- Essential service
- Group dwelling - detached housing
- Handicapped or minimal care facility
- Juvenile offenders facility
- Noncommercial kennel
- Religious assembly
- Restriction to single-family only
- Two (2) unit per gross acre density increase

17.05.240: SITE PERFORMANCE STANDARDS; MINIMUM YARD:

Minimum yard requirements for residential activities in an R-12 District shall be as follows:

1. Front: The front yard requirement shall be twenty feet (20').
2. Side, Interior: The interior side yard requirement shall be five feet (5'). If there is no alley or other legal access behind a lot, each lot shall have at least one side yard of ten foot (10') minimum.
3. Side, Street: The street side yard requirement shall be ten feet (10').
4. Rear: The rear yard requirement shall be twenty five feet (25'). However, the required rear yard will be reduced by one-half (1/2) when adjacent to public open space

17.05.245: NONRESIDENTIAL SITE PERFORMANCE STANDARDS; MINIMUM YARD:

Minimum yard requirements for nonresidential activities in an R-12 district shall be as follows:

- A. Front: The front yard requirement shall be twenty feet (20').
- B. Side, Interior: The interior side yard requirement shall be twenty five feet (25').
- C. Side, Street: The street side yard requirement shall be twenty five feet (25').
- D. Rear: The rear yard requirement shall be twenty five feet (25'). However, the required rear yard will be reduced by one-half (1/2) when adjacent to public open space.

Proposed R-17 Zoning District:

The R-17 district is intended as a medium/high density residential district that permits a mix of housing types at a density not greater than seventeen (17) units per gross acre. This district permits single-family detached housing as specified by the R-8 District and duplex housing as specified by the R-12 District. This district is for establishment in those areas that are not suitable for lower density residential due to proximity to more intense types of land use. This district is appropriate as a transition between low density residential and commercial districts, or as a buffer between arterial streets and low-density residential districts.

Principal permitted uses in an R-17 district shall be as follows:

- Administrative
- Childcare facility
- Community education
- Duplex housing
- Essential service
- Home occupation
- Multiple-family
- Neighborhood recreation
- Pocket residential development
- Public recreation
- Single-family detached housing as specified by the R-8 district

Permitted uses by special use permit in an R-17 district shall be as follows:

- Automobile parking when the lot is adjoining at least one point of, intervening streets and alleys excluded, the establishment which it is to serve; this is not to be used for the parking of commercial vehicles
- Boarding house
- Commercial film production
- Commercial recreation
- Community assembly
- Community organization
- Convenience sales
- Group dwelling - detached housing
- Handicapped or minimal care facility
- Juvenile offenders' facility
- Ministorage facilities
- Mobile home manufactured in accordance with section 17.02.085 of this title
- Noncommercial kennel
- Nursing/convalescent/rest homes for the aged
- Rehabilitative facility.
- Religious assembly
- Residential density of the R-34 district as specified
- Three (3) unit per gross acre density increase
- Religious assembly
- Retail gasoline sales
- Single-family detached housing (as specified by the R-8 district)
- Specialty retail sales
- Veterinary office

17.05.290: SITE PERFORMANCE STANDARDS; MAXIMUM HEIGHT:

Maximum height requirements in an R-17 District shall be as follows:

Structure Type	Structure Location	
	In Buildable Area for Principal Facilities	In Rear Yard
Single-family and duplex structure	32 feet	n/a
Multiple-family structure	45 feet	n/a
For public recreation, community education or religious assembly activities	45 feet	n/a
Detached accessory building including garages and carports	32 feet	With low or no slope roof: 14 feet With medium to high slope roof: 18 feet

17.05.320: SITE PERFORMANCE STANDARDS; MINIMUM YARD:

- A. Minimum yard requirements for single family and duplex residential activities in an R-17 District shall be as follows:
 - 1. Front: The front yard requirement shall be twenty feet (20').
 - 2. Side, Interior: The interior side yard requirement shall be five feet (5'). If there is no alley or other legal access behind a lot, each lot shall have at least one side yard of ten-foot (10') minimum.
 - 3. Side, Street: The street side yard requirement shall be ten feet (10').
 - 4. Rear: The rear yard requirement shall be twenty-five feet (25'). However, the required rear yard will be reduced by one-half (1/2) when adjacent to public open space

- C. Multiple-family housing at seventeen (17) units per acre:
 - 1. Front: The front yard requirement shall be twenty feet (20').
 - 2. Side, Interior: The interior side yard requirement shall be ten feet (10').
 - 3. Side, Street: The street side yard requirement shall be twenty feet (20').
 - 4. Rear: The rear yard requirement shall be twenty feet (20'). However, the required rear yard will be reduced by one-half (1/2) when adjacent to public open space

17.44.030: RESIDENTIAL USES:

Unless otherwise allowed by the relevant zoning or overlay district, the following off-street parking

D.	Multiple-family housing:	
	1. Studio units	1 space per unit
	2. 1-bedroom units	1.5 spaces per unit
	3. 2-bedroom units	2 spaces per unit
	4. 3-bedroom units	2 spaces per unit
	5. More than 3 bedrooms	2 spaces per unit

Evaluation: *The Planning Commission must determine, based on the information before them, whether or not the proposal would adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, (and)/(or) existing land uses.*

SP-5-22: SPECIAL USE:

SUBJECT: SP-5-22: A SPECIAL USE PERMIT FOR A DENSITY INCREASE FROM R-17 TO AN R-34 DENSITY.

LOCATION: PARCELS LOCATED AT 3528 AND 3404 W. SELTICE WAY

APPLICANT/OWNER:

River's Edge Apartments, LLC
1402 Magnesium Road, Suite 202
Spokane, WA 99217

DECISION POINT:

The applicant is requesting approval of a Special Use Permit for a density increase from R-17 to R-34 on 25.9 acres.

BACKGROUND INFORMATION:

The subject site is located south of Seltice Way, north of the Spokane River, and is west of and adjacent to the Atlas Waterfront site. The 25.9 acre subject site is currently under construction in conformance with the 2020 PUD that was approved in PUD-3-19m. The applicant is also requesting a modification of the 2020 PUD if this special use permit is approved.

The requested special use permit is for a density increase to R-34, however the applicant's proposed PUD modification request equates to an overall density of 26.4 units per acre. If this special use is approved the applicant will be held to maximum density of 26.4 units per acre, well under the 34 units per acre that could be allowed.

The applicant is proposing a slightly taller structure than is currently allowed under the R-17 zoning, which restricts the maximum height to 45 feet. The requested R-34 SUP allows for a maximum building height of 63 feet. However, the applicant is proposing a maximum building height of 55 feet, which is well under the maximum building height that would be allowed.

The proposed PUD modification will allow for a landscaped and pedestrian/bike trail easement approximately 1,600 feet long for a 16-foot wide public trail and greenspace that would allow for all the residents of Coeur d'Alene to enjoy. The river front trail would connect to the City's Atlas Waterfront park trail and allow for continued pedestrian trail use along the river. *See PUD modification portion of staff report on page 52.*

The applicant is currently approved for 384 multi-family units, 431 unit self-storage facility, and 28 single-family residential lots along the river. If the special use permit and the PUD modification requests are approved the applicant is proposing to remove the 431 unit self-storage facility, and 28 single-family residential lots along the river and replace it with 296 multi-family units, public open space, and a pedestrian trail adjacent to the river that allows the public access to the river. See applicant PUD Site Plan below on page 31.

The applicant has also indicated that they will be providing workforce housing as part of this development. The applicant is allowing up to 5 percent of the units be available for people who qualify for workforce housing. See Attachment-2: Applicant's email on Workforce Housing Commitment.

LOCATION MAP:



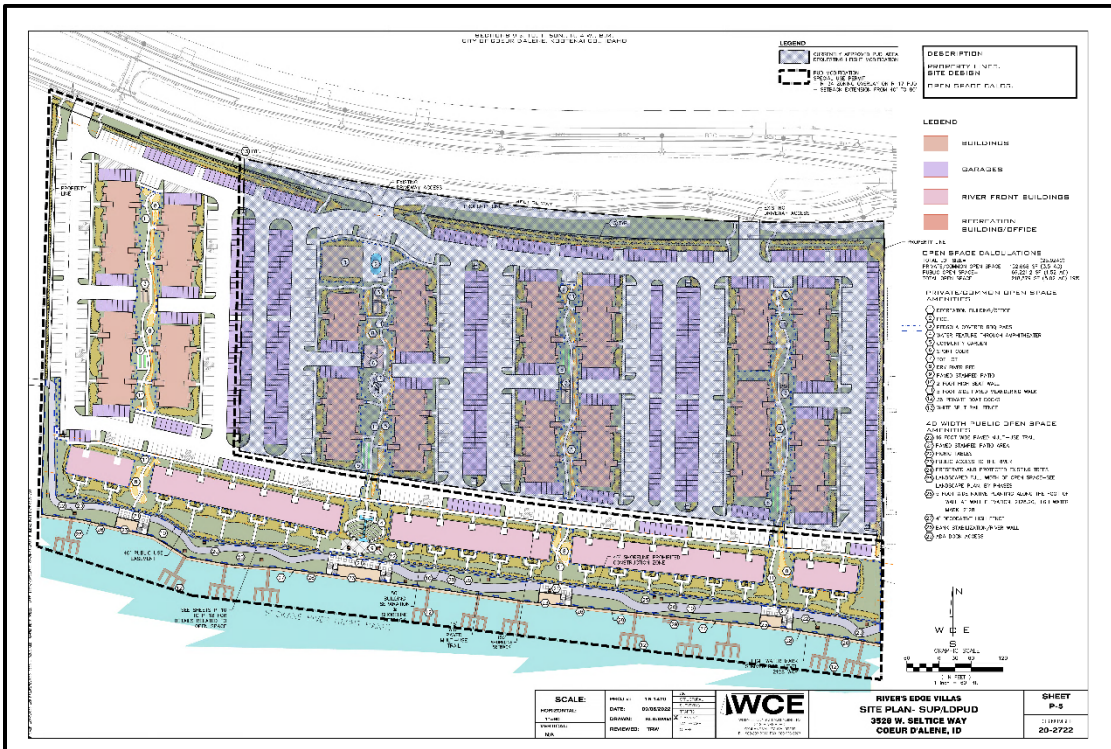
AERIAL MAP:



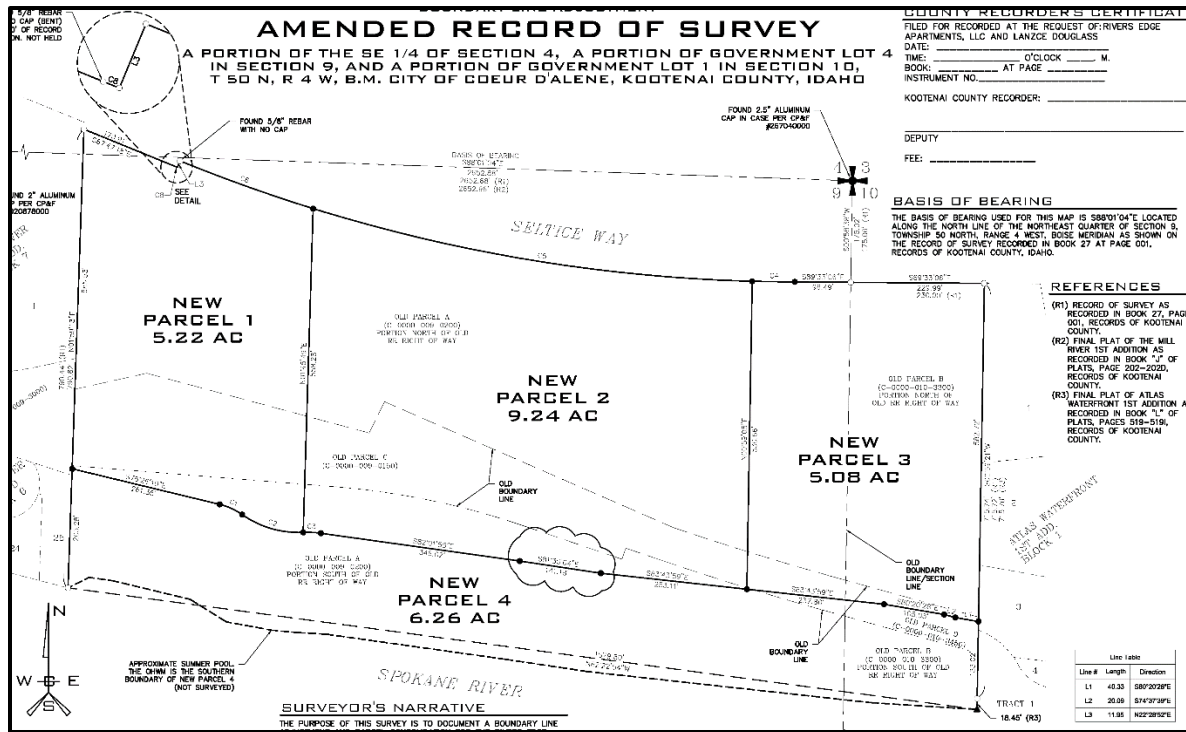
BIRDS EYE AERIAL PHOTO:



APPLICANT'S PUD SITE PLAN:



SURVEY OF SITE:



R-34 RESIDENTIAL ZONING DISTRICT:

The R-34 district is intended as a high-density residential district, permitting thirty-four (34) units per gross acre that the city has the option of granting, through the special use permit procedure, to any property zoned R-17, C-17, C-17L or LM. To warrant consideration, the property must in addition to having the R-17, C-17, C-17L or LM designation meet the following requirements:

1. Be in close proximity to an arterial, as defined in the Coeur d'Alene transportation plan, sufficient to handle the amount of traffic generated by the request in addition to that of the surrounding neighborhood; and the project and accessing street must be designed in such a way so as to minimize vehicular traffic through adjacent residential neighborhoods.
2. Be in close proximity to shopping, schools and park areas (if it is an adult only apartment complex, proximity to schools and parks is not required).

This district is appropriate as a transition between R-17 and commercial/industrial. Single-family detached and duplex housing are not permitted in this district. Project review (chapter 17.07, article IV of this title) is required for all subdivisions and for all residential, civic, commercial, service and industry uses except residential uses for four (4) or fewer dwellings

17.05.340: PERMITTED USES; PRINCIPAL:

Principal permitted uses in an R-34 district shall be as follows:

- Essential service.
- Multiple-family housing.
- Neighborhood recreation.
- Public recreation.

17.05.350: PERMITTED USES; ACCESSORY:

Accessory permitted uses in an R-34 district shall be as follows:

- Accessory dwelling units.
- Garage or carport (attached or detached).
- Mailroom or common use room for pocket residential or multiple-family development.
- Outside area or building for storage when incidental to the principal use.
- Private recreation facility

17.05.360: PERMITTED USES; SPECIAL USE PERMIT:

Permitted uses by special use permit in an R-34 district shall be as follows:

- Automobile parking when the lot is adjoining at least one point of, intervening streets and alleys excluded, the establishment which it is to serve; this is not to be used for the parking of commercial vehicles.
- Commercial recreation.
- Community assembly.
- Community education.
- Convenience sales.
- Four (4) unit per gross acre density increase.
- Group dwelling - detached housing.
- Hotel/motel.
- Noncommercial kennel.
- Religious assembly.

17.05.370: SITE PERFORMANCE STANDARDS; MAXIMUM HEIGHT:

Maximum height requirements in an R-34 district shall be as follows:

- 63 feet for multiple-family and nonresidential structures.

17.05.320: SITE PERFORMANCE STANDARDS; MINIMUM YARD:

Minimum yard requirements for multi-family housing in the C-17 zoning district defers the R-17 district standards, which are as follows:

1. Front: The front yard requirement shall be twenty feet (20').
2. Side, Interior: The interior side yard requirement shall be ten feet (10').
3. Side, Street: The street side yard requirement shall be twenty feet (20').
4. Rear: The rear yard requirement shall be twenty feet (20'). However, the rear yard will be reduced by one-half (1/2) when adjacent to public open space.

17.44.030: OFF STREET PARKING - RESIDENTIAL USES:

D.	Multiple-family housing:	
	1. Studio units	1 space per unit
	2. 1 bedroom units	1.5 spaces per unit
	3. 2 bedroom units	2 spaces per unit
	4. 3 bedroom units	2 spaces per unit
	5. More than 3 bedrooms	2 spaces per unit

REQUIRED FINDINGS FOR SPECIAL USE PERMITS:

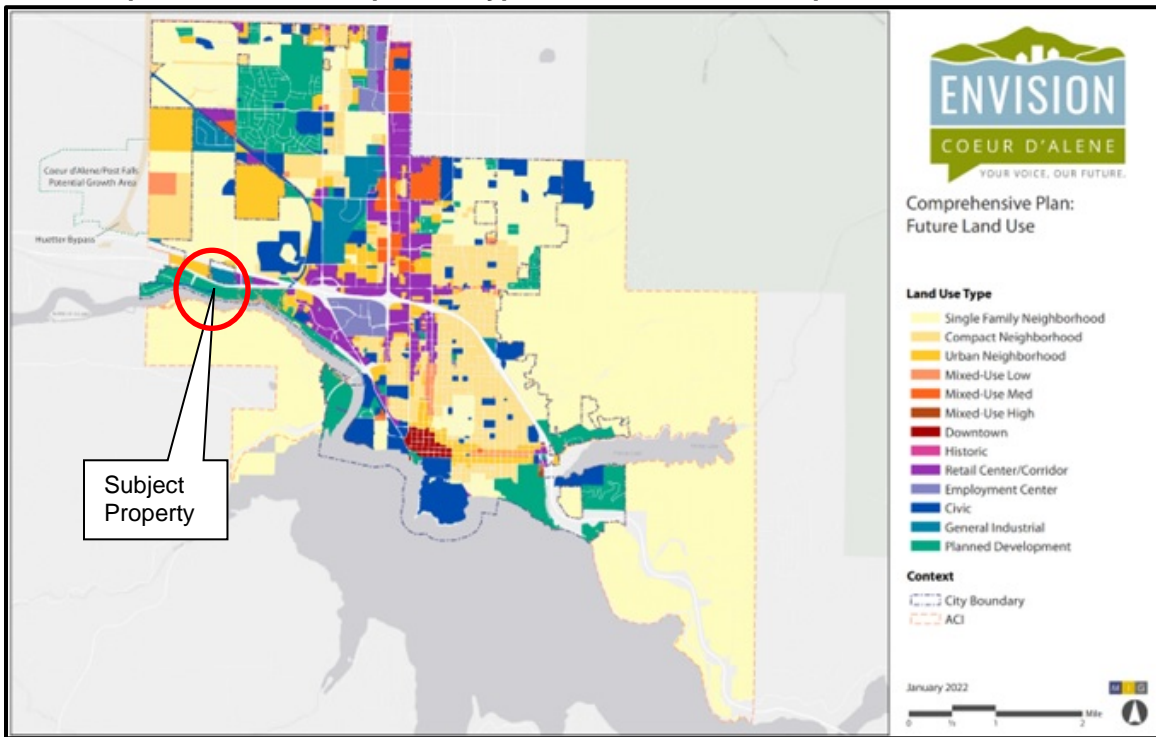
Pursuant to Section 17.09.220, Special Use Permit Criteria, a special use permit may be approved only if the proposal conforms to all of the following criteria to the satisfaction of the Planning Commission:

A. Finding #B8A: The proposal (is) (is not) in conformance with the Comprehensive Plan

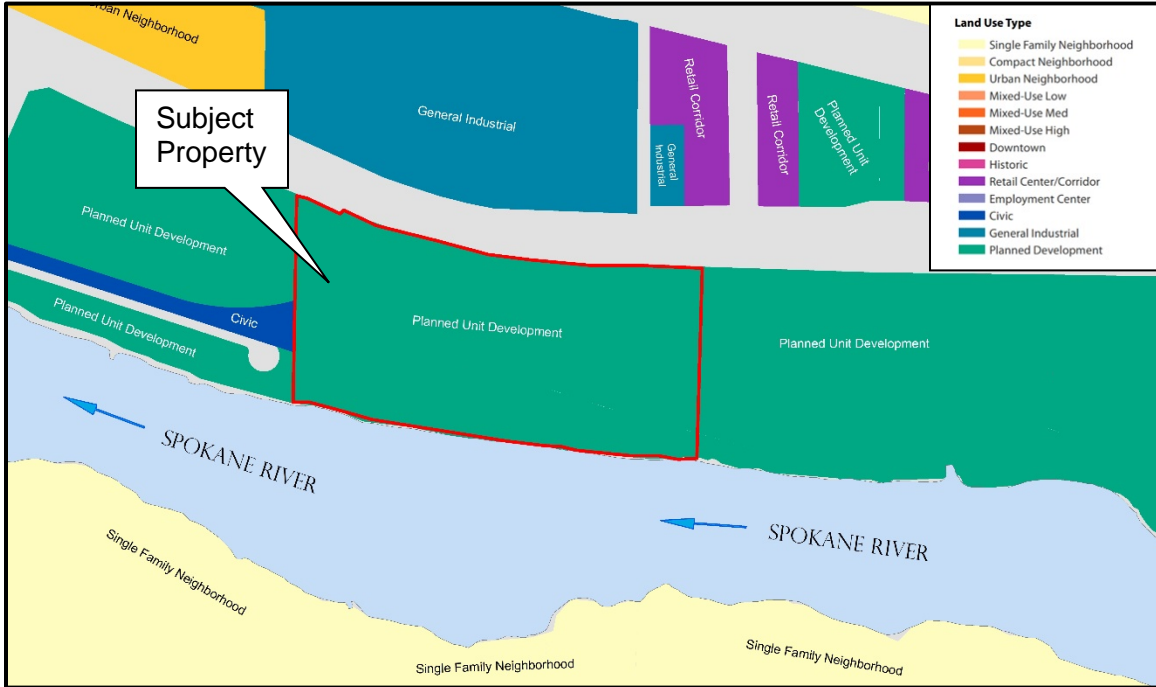
2042 COMPREHENSIVE PLAN- LAND USE CATEGORY:

- The subject property is within the existing city limits.
- The City Comprehensive Plan designates the subject site to be in the Planned Development place type.
- The subject property is located in the City's Area of Impact

2042 Comprehensive Plan Map Place Type: Planned Unit Development



Comprehensive Plan Place Type: Planned Unit Development



Comprehensive Plan Place Type: Planned Unit Development

Planned Development

Key Characteristics
 Planned Development places are locations that have completed the planned unit development application process. As part of that process the City and the applicant have agreed to a determined set of complementary land uses that can include a number of Place Types. Planned development also often has a determined phasing and development plan and can include land uses such as housing, recreation, commercial centers, and industrial parks, all within one contained development or subdivision. Building design and scale, and transportation, public space and other elements are determined by the City of Coeur d'Alene's PUD evaluation process.

Transportation

- Dependent on PUD approvals it large lots. Access should include pedestrian and bicycle facilities

Typical Uses

- Primary: Dependant on PUD approval agreements
- Secondary: Not applicable

Building Types

- Varies by PUD

Compatible Zoning

- Not applicable. Planned Development may occur within any Place Type (1.5 acre minimum).

PLACE TYPE: Planned Development

Planned Development places are locations that have completed the planned unit development application process. As part of that process, the City and the applicant have agreed to a determined set of complementary land uses that can include a number of Place Types. Large scale Planned developments often have a determined phasing and development plan and may include land uses such as housing, recreation, commercial centers, civic, and industrial parks, all within one contained development or subdivision. Building design and scale, transportation, open space, and other elements are approved through the City of Coeur d'Alene's PUD evaluation process.

Comprehensive Plan: Public access to Shorelines

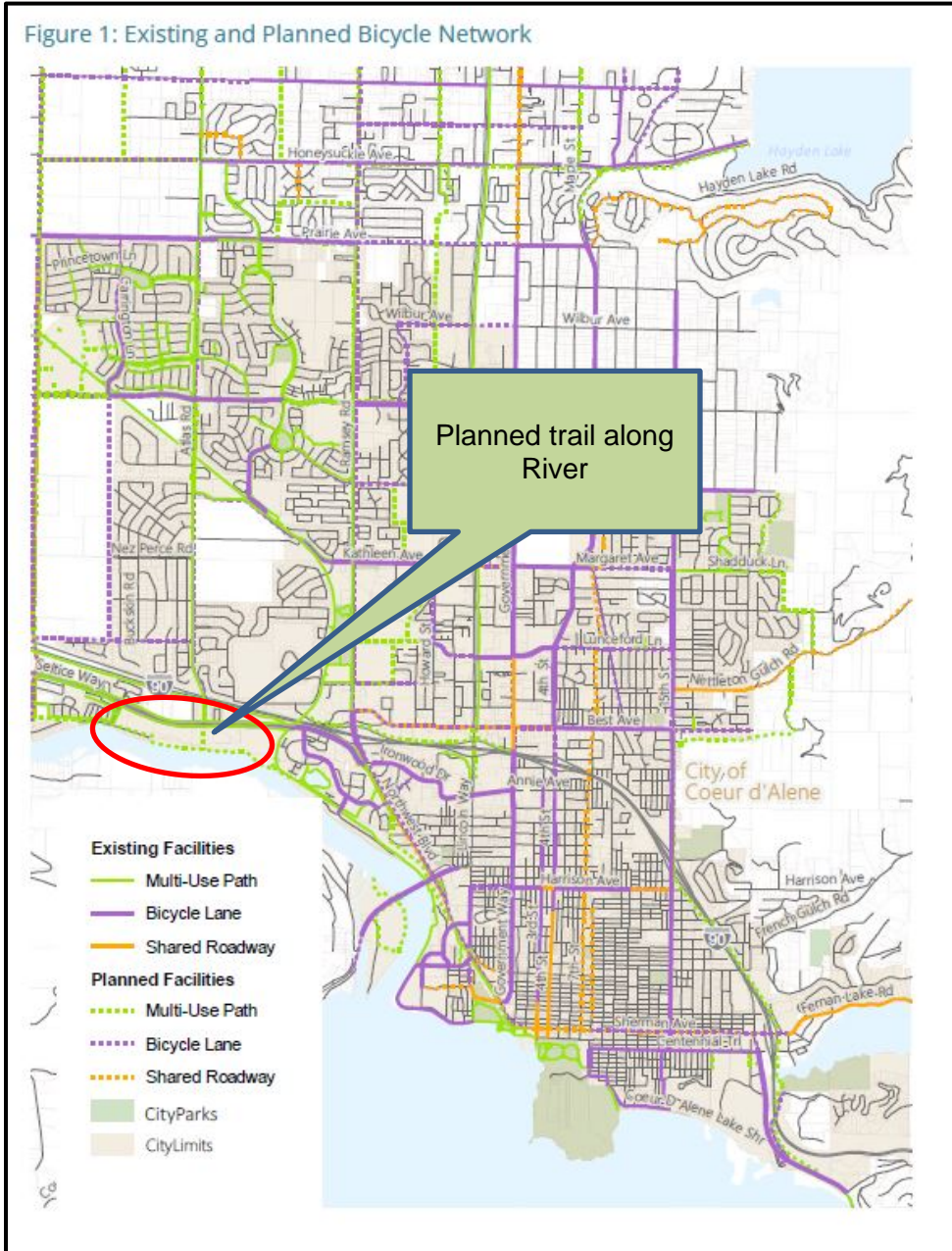
Shorelines



The City of Coeur d'Alene is known for its shorelines which measure 9.05 miles and of which 6.23 miles are public (which include NIC beach and the public boardwalks at both Bellerive and the Coeur d'Alene Resort). They are an asset and provide a multitude of benefits. Community pride, economic advantages, transportation, recreation, and tourism are just a few examples of how shorelines affect the use and perception of our city. Public access to and enhancement of our shorelines is a priority. Shorelines are a community benefit and they must be protected. To ensure preservation, the City has an ordinance that protects, preserves, and enhances our visual resources and public access by establishing limitations and restrictions on specifically defined shoreline property located within city limits. To increase desired uses and access to this finite resource, the city will provide incentives for enhancement. Efficient use of adjacent land, including mixed use and shared parking where appropriate, are just a few tools we employ to reach this goal.

Comprehensive Plan: Public trail along Shoreline

Figure 1: Existing and Planned Bicycle Network



2042 Comprehensive Goals and Objectives that apply:

Community & Identity

Goal CI 1

Coeur d'Alene citizens are well informed, responsive, and involved in community discussions.

OBJECTIVE CI 1.1

Foster broad-based and inclusive community involvement for actions affecting businesses and residents to promote community unity and involvement.

Goal CI 3

Coeur d'Alene will strive to be livable for median and below income levels, including young families, working class, low income, and fixed income households.

OBJECTIVE CI 3.1

Support efforts to preserve existing housing stock and provide opportunities for new affordable and workforce housing.

Environment & Recreation

Goal ER 1

Preserve and enhance the beauty and health of Coeur d'Alene's natural environment.

OBJECTIVE ER 1.1

Manage shoreline development to address stormwater management and improve water quality.

OBJECTIVE ER 1.4

Reduce water consumption for landscaping throughout the city.

Goal ER 2

Provide diverse recreation options.

OBJECTIVE ER 2.2

Encourage publicly-owned and/or private recreation facilities for citizens of all ages. This includes sports fields and facilities (both outdoor and indoor), hiking and biking pathways, open space, passive recreation, and water access for people and motorized and non-motorized watercraft.

OBJECTIVE ER 2.3

Encourage and maintain public access to mountains, natural areas, parks, and trails that are easily accessible by walking and biking.

Growth & Development

Goal GD 1

Develop a mix of land uses throughout the city that balance housing and employment while preserving the qualities that make Coeur d'Alene a great place to live.

OBJECTIVE GD 1.1

Achieve a balance of housing product types and price points, including affordable housing, to meet city needs.

OBJECTIVE GD 1.3

Promote mixed use development and small-scale commercial uses to ensure that neighborhoods have services within walking and biking distance.

OBJECTIVE GD 1.5

Recognize neighborhood and district identities.

OBJECTIVE GD 1.7

Increase physical and visual access to the lakes and rivers.

Goal GD 3

Support the development of a multimodal transportation system for all users.

OBJECTIVE GD 3.1

Provide accessible, safe, and efficient traffic circulation for motorized, bicycle and pedestrian modes of transportation.

The Comprehensive Plan speaks to housing in seven action items and several goals and objectives. The applicant has made a commitment to allocating 5% of the new units for workforce housing at the Area Median Income for five years.

Evaluation: *The Planning Commission must determine, based on the information before them, whether the Comprehensive Plan policies do or do not support the request. Specific ways in which the policy is or is not supported by this request should be stated in the finding.*

B. Finding #B8B: The design and planning of the site (is) (is not) compatible with the location, setting, and existing uses on adjacent properties.

This special use application does not have a site plan associated with it. However, this special use request is contingent upon the proposed PUD modification being approved, which is tied to a site plan. *See PUD item beginning on page 52.*

This special use permit will facilitate better master planning for properties located adjacent to the Spokane River, including the current River's Edge request and the Atlas Waterfront PUD to the east by creating a viable use of waterfront by providing public access to the river and a pedestrian trail along the river as well.

The subject property is located in a residential and mixed use area with multi-family units located to the east and west of the subject property. The Atlas Waterfront project is a mixed use development with single family, multifamily, townhomes and some commercial uses located to the east of Rivers Edge. The approved 2020 Rivers Edge PUD is currently being developed and some of which is under construction.

The properties along the north side of Seltice Way have residential and commercial uses on them with commercial zoning that is in the County. The properties to the west have commercial and single family dwellings on them and are zoned R-8PUD and C-17LPUD. The Atlas Waterfront site property to the east is a mixed use development and is zoned C-17PUD.

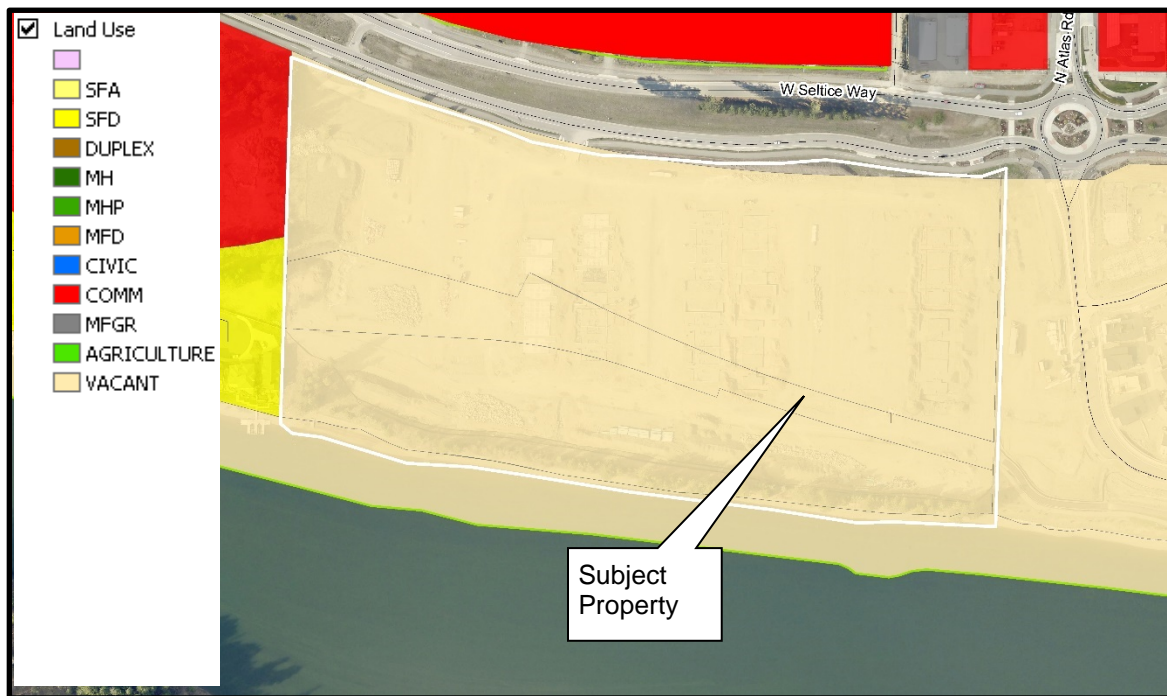
Seltice Way runs along the applicant overall property along the northern boundary. Seltice Way is finished with its overall upgrade. The revitalized Seltice Way included a new roundabout at the Atlas intersection and the applicant has three access points at which will provide access to the northwestern portion of the property.

The Spokane River runs along the southern edge of the property. The river is primarily used for recreational activities and has the Navigable Water Zoning District designation. *See Generalized*

Land Use Map, Existing Zoning, and Proposed Zoning Map below and on page 40-42.

The proposed PUD site plan will be discussed during the PUD part of this staff report. Separate findings will need to be made for the PUD item in this staff report regarding the proposed PUD site plan. See PUD item beginning on page 52.

GENERALIZED LAND USE PATTERN:

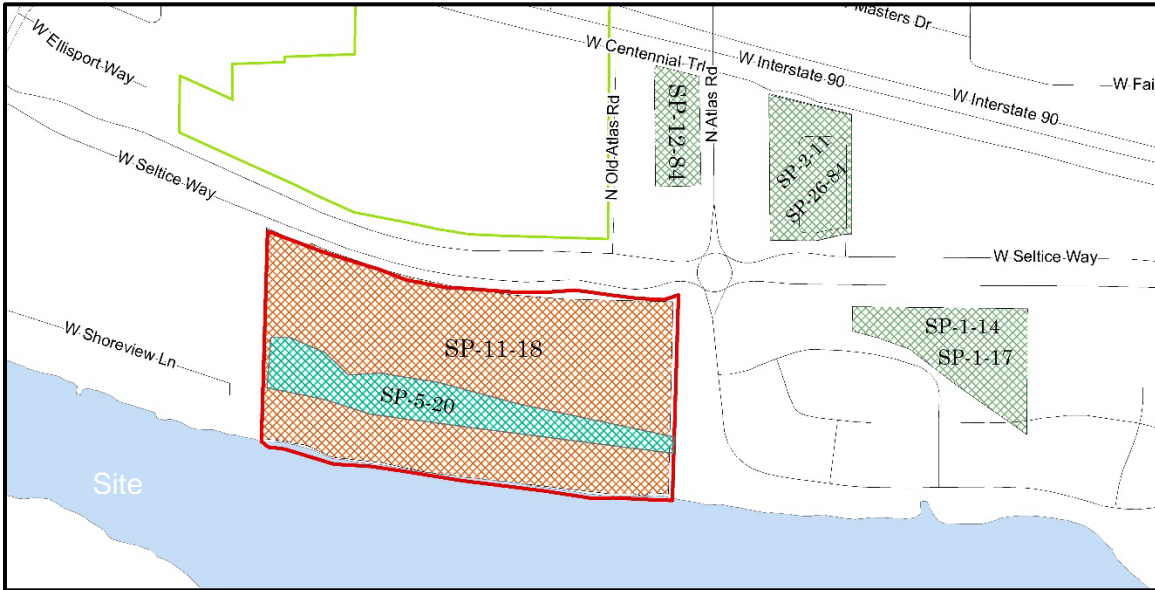


PRIOR SPECIAL USE PLAN ACTIONS:

Planning Commission approved multiple special uses in the vicinity of the subject site. Two special use permits for a mini-storage facility were approved in items SP-12-84 in 1984 and SP-26-84 in 1985. The Planning Commission also approved a special use permit for a warehouse storage facility in item SP-2-11 in 2011.

A special use request in 2018 for density increase to R-34 on 25 acres was denied that was also part of a proposal for Limited Design Planned Unit Development in item SP-11-18. There have been three density increases special use request that have been approved in the vicinity of the subject property. The Planning Commission approved those special use requests for a density increase in items SP-1-14, SP-21-17, and SP-5-20 as shown in the map provided below. See *Prior Special Use Actions Map below on Page 41.*

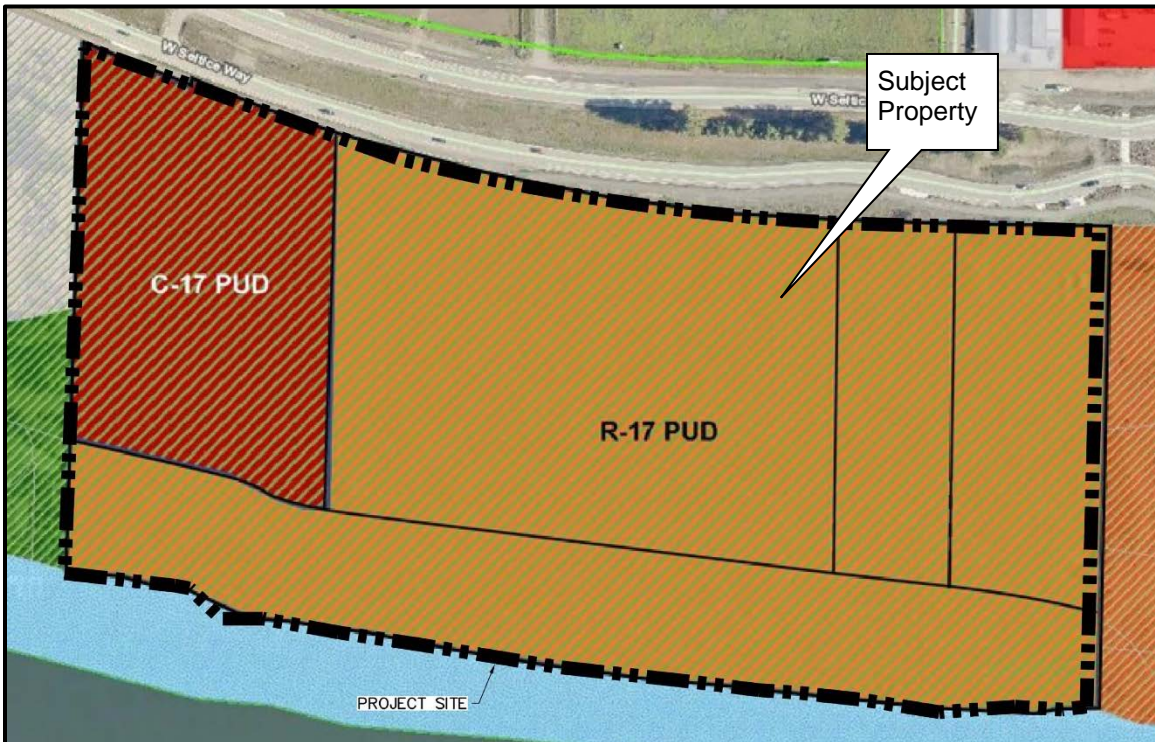
PRIOR SPECIAL USE ACTIONS MAP:



Past Special Use Permits:

SP-12-84	Mini Storage Facility	6-12-1984	Approved
SP-26-84	Mini Storage Facility	1-29-1985	Approved
SP-2-11	Warehouse Storage Facility	4-12-2011	Approved
SP-1-14	Density increase in the R-34	4-08-2014	Approved
SP-1-17	Density increase in the R-34	1-10-2017	Approved
SP-11-18	Density increase in the R-34	12-11-2018	Denied
SP-5-20	Density increase in the R-34	8-11-2020	Approved

ZONING MAP: As Proposed in ZC-3-22



SITE PHOTO - 1: North central part of property looking west along Seltice Way.



SITE PHOTO - 2: North central part of property looking west.



SITE PHOTO - 3: North central part of property looking southwest.



SITE PHOTO - 4: North central part of property looking south.



SITE PHOTO - 5: North central part of property looking southeast.



SITE PHOTO - 6: North central part of property looking west.



SITE PHOTO - 7: Southeast part of property looking southeast along trail and river.



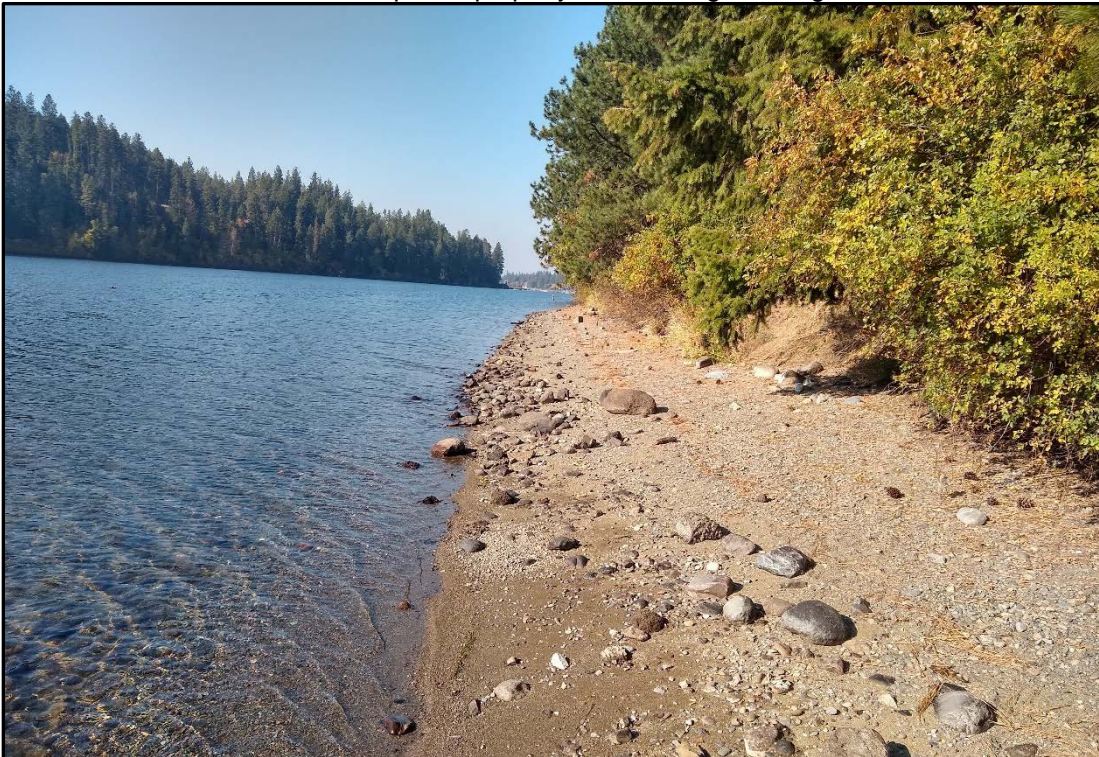
SITE PHOTO - 8: Southeast part of property looking northwest along trail and river.



SITE PHOTO - 9: Southeast part of property looking southeast to neighboring property along river.



SITE PHOTO - 10: South central part of property at rivers edge looking west.



Evaluation: *Based on the information presented, the Planning Commission must determine if the request is or is not compatible with surrounding uses and is designed appropriately to blend in with the area.*

- C. **Finding #B8C:** The location, design, and size of the proposal are such that the development (will) (will not) be adequately served by existing streets, public facilities, and services.

STORMWATER:

The City Code requires a stormwater management plan to be submitted and approved prior to any construction activity on the site. Development of the subject property will require that all new storm drainage be retained on site. This issue will be addressed at the time of plan review and site development of the subject property.

- Submitted by Chris Bosley, City Engineering

STREETS:

The subject property is bordered by Seltice Way to the north, which has been recently reconstructed to City standards. No alterations will be required. Streets & Engineering has no objections to the proposed PUD.

- Submitted by Chris Bosley, City Engineer

TRAFFIC:

The subject property is bordered by Seltice Way to the north, which is a principal arterial connecting the cities of Coeur d'Alene and Post Falls. According to the November 1, 2022 Trip Generation and Distribution Letter by Whipple Consulting Engineers, over 1000 additional trips per day could be generated by proposed modification to the development at full build-out. This results in approximately an additional 94 AM and 50 PM peak hour trips. Although Seltice Way is currently operating at an acceptable Level of Service and the proposed development will not cause excessive congestion, future traffic levels forecasted by KMPO and referenced in the Trip Generation and Distribution Letter show that congestion levels by 2035 will reach undesirable levels even without this proposed development. This is due to regional growth that has been focused in the west and northwest areas of the City, as well as limited travel corridors available into Coeur d'Alene. The Streets & Engineering Department has no objection to the proposed development, but requests a Traffic Mitigation Plan be funded by the applicant to identify congestion mitigation measures that can be funded by development impact fees prior to reaching the forecasted congestion levels. The engineering firm performing the Traffic Mitigation Plan will be chosen by the City from the City's approved on-call consultant list.

-Submitted by Chris Bosley, City Engineering

WATER:

There is adequate capacity in the public water system as a whole to support domestic, irrigation and fire flow for the proposed zone change. There is an existing 12 inch and eight inch water infrastructure recently installed on the project including fire hydrants and services. The Water Department has no objections to the zone change as proposed.

-Submitted by Terry Pickle, Water Department Director

PARKS:

The 2017 Trails and Bikeways Master Plan requires a shared use path located along the north side of the Spokane River. The Parks Department has reviewed the PUD and has one change. The proposed trail has a sharp 90-degree turn planned near the western end of the trail where it turns west and goes off the property. According to MUTCD standards the turn in the trail must have a gentler curve upwards than the planned 90-degree turn. The distance in the curve cannot be less than 60 feet long. It is possible to begin the curve closer to the south property line of the adjacent parcel and then end the trail in the middle of the curve at the property line. The curve can be finished when the City extends the trail in the adjacent property to the west. The other 90-degree curve to the south looks to have a larger turn radius and is (likely) acceptable.

The property owner will have to maintain all the landscaping, beaches, amphitheater and docks in the proposal. The City will plow snow and sweep/blow the surface of the trail on a regular basis.

The asphalt mix used in the trail should have 3/8-inch rock instead of the typical 3/4-. This is referred to as driveway mix and provides a smoother surface for bicycles, wheelchairs, skateboards, rollerblades and strollers. Our standards require 4 inches of compacted gravel and 2 inches of asphalt.

It is also helpful to sterilize the surface under where the trail will go to prevent weeds from growing through and damaging the trail. The Parks Department has no objection to the zone change as proposed.

-Submitted by Monte McCully, Trails Coordinator

WASTEWATER:

Based on the 2013 Sewer Master Plan (SMP) Appendix J, this subject property falls under the Mill River Sewer Lift Station Basin which was modeled for 17 units per acre. The SMP requires this property to connect to the public sewer that was extended east from Shoreview Lane and was extended "to and through" the subject property to their easterly property line. Since sewer capacity falls under a "1st come 1st served basis", and while the City presently has the capacity to serve.

The Special Use's proposed density increase to R-34 will require hydraulic modeling of the added PUD sewer flows into the Mill River Pump Station. City sewer is already on this site from the east end of Shoreview Lane and through this parcel to the east at Atlas Waterfront.

Sewer Policy #719 requires a 20' wide utility easements (30' if shared with Public Water) or R/W dedicated to the city for all city sewers. Sewer Policy #719 requires an "All-Weather" surface permitting O&M access to the city sewer. City Resolution 14-025 requires all EDUs within the Mill River Lift Station Sewer Service Area to pay into the capacity system upgrades to the Mill River Lift Station. Sewer Policy #716 requires all legally recognized parcels within the City to be assigned with a single (1) public sewer connection. The Applicant shall be responsible for all O&M of the private sewer. The City of CDA will not be financially obligated for any O&M costs associated with a private sewerage system. Idaho Code §39-118 requires IDEQ or QLPE to review and approve public infrastructure plans for construction.

-Submitted by Larry Parsons, Utility Project Manager

FIRE:

The Fire Department works with the Engineering and Water Departments to ensure the

design of any proposal meets mandated safety requirements for the city and its residents.

Fire department access to the site (road widths, surfacing, maximum grade, and turning radiuses), in addition to, fire protection (size of water main, fire hydrant amount and placement, and any fire line(s) for buildings requiring a fire sprinkler system) will be reviewed prior to building permit or during site development, and building permit, utilizing the currently adopted International Fire Code (IFC) for compliance. The City of Coeur d'Alene Fire Department can address all concerns at site and building permit submittals. The Fire Department has no objection to the zone change as proposed.

-Submitted by Bobby Gonder, Fire

POLICE:

The police department has indicated that any development may require an increase in personnel, but that will be handled through the City's budgeting process. The police department does not object to this Project.

Evaluation: *Planning Commission must determine if the location, design, and size of the proposal are such that the development will or will not be adequately served by existing streets, public facilities and services.*

ADDITIONAL REQUIRED FINDINGS FOR R-34 SPECIAL USE PERMITS

For an R-34 Special Use Permit, the Commission must also make findings that the proposal is:

R-34 Finding #1: The location of the site (is) (is not) in close proximity to an arterial, as defined in the Coeur d'Alene transportation plan, sufficient to handle the amount of traffic generated by the request in addition to that of the surrounding neighborhood; and the project and accessing street must be designed in such a way so as to minimize vehicular traffic through adjacent residential neighborhoods.

TRAFFIC:

The subject property is bordered by Seltice Way to the north, which is a principal arterial connecting the cities of Coeur d'Alene and Post Falls. According to the November 1, 2022 Trip Generation and Distribution Letter by Whipple Consulting Engineers, over 1000 additional trips per day could be generated by proposed modification to the development at full build-out. This results in approximately an additional 94 AM and 50 PM peak hour trips. Although Seltice Way is currently operating at an acceptable Level of Service and the proposed development will not cause excessive congestion, future traffic levels forecasted by KMPO and referenced in the Trip Generation and Distribution Letter show that congestion levels by 2035 will reach undesirable levels even without this proposed development. This is due to regional growth that has been focused in the west and northwest areas of the City, as well as limited travel corridors available into Coeur d'Alene.

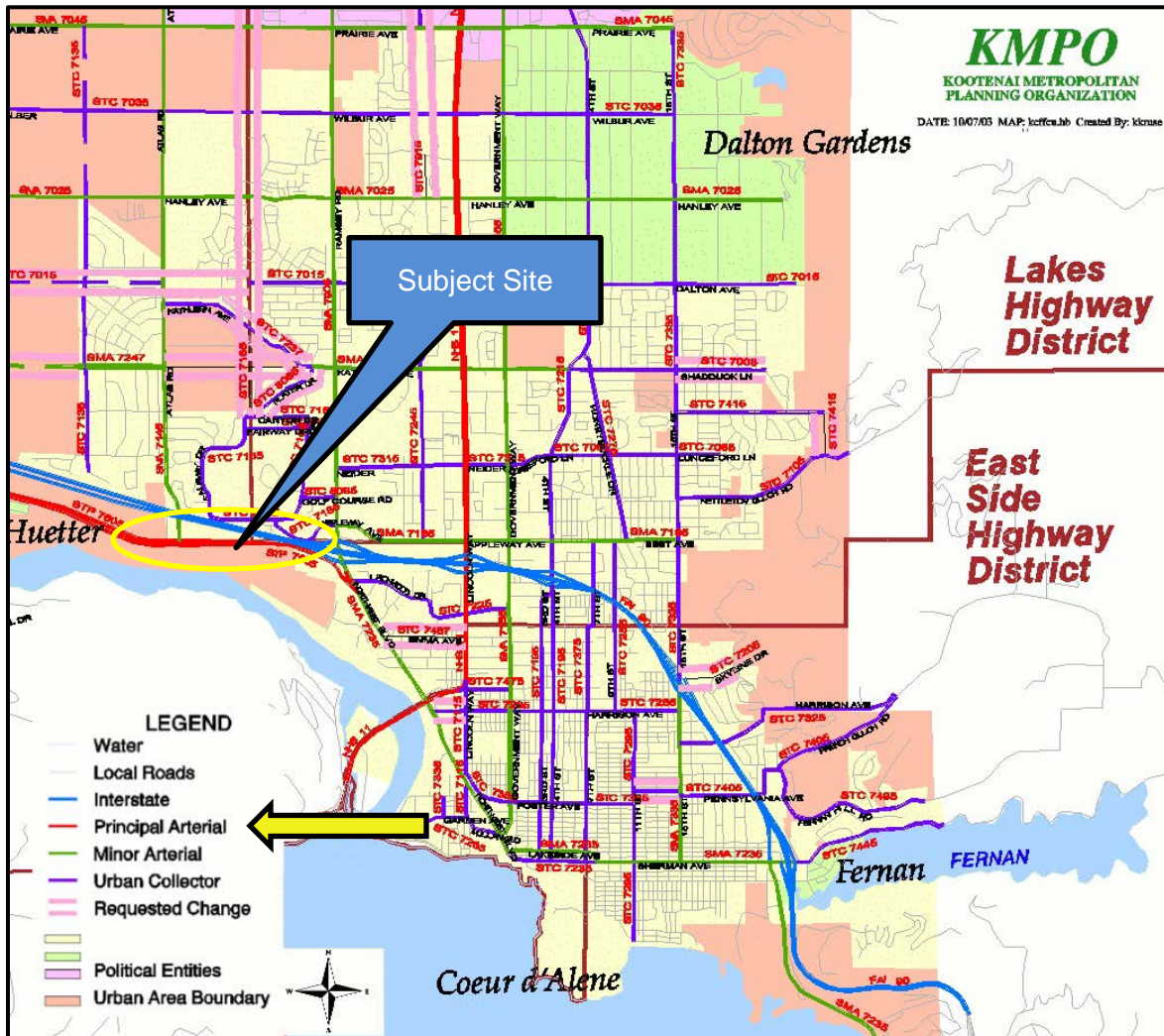
The Streets & Engineering Department has no objection to the proposed development, but requests a Traffic Mitigation Plan be funded by the applicant to identify congestion mitigation measures that can be funded by development impact fees prior to reaching the forecasted congestion levels. The engineering firm performing the Traffic Mitigation Plan will

be chosen by the City from the City's approved on-call consultant list.

-Submitted by Chris Bosley, City Engineer

The subject site has direct access to Seltice Way. The transportation plan designates Seltice Way as a Principle Arterial. See Transportation Plan below on page 50.

TRANSPORTATION PLAN:



R-34 Finding #2: The location of the site (is) (is not) in close proximity to shopping, schools, and park areas (if it is an adult only apartment complex, proximity to schools and parks is not required).

The property is located in close proximity of the Riverstone development, which offers a variety of shopping opportunities. Winton Elementary is located approximately 1 mile from the proposed multi-family development. The subject property is also in close proximity to Riverstone Park, the Atlas Waterfront Park, and to Centennial Trail, which provide both passive and active recreation opportunities.

Evaluation: *Planning Commission must determine if the location is in close to shopping, schools, park areas, and is close in proximity to an arterial and is sufficient to handle the amount of traffic generated by the request in addition to that of the surrounding neighborhood; and the project and accessing street must be designed in such a way so as to minimize vehicular traffic through adjacent residential neighborhoods.*

PUD-2-19m2: PLANNED UNIT DEVELOPMENT

BACKGROUND INFORMATION:

The subject site is located south of Seltice Way, north of the Spokane River, and is west of and adjacent to the former Atlas Mill site, which is being developed as the Atlas Waterfront project. The 25.9-acre site is currently under construction and is in conformance with PUD-2-19m that was approved in 2020. Prior to 2004, the subject site was part of a large saw mill facility that was active for many years. The saw mill has since closed and all the buildings have been removed from this site. The applicant's property was annexed into the city in early 2014 with C-17 and R-12 zoning.

The applicant is request to modify PUD-3-19-m that was approved in August of 2020. This PUD allowed for 384-unit apartment facility, 431 mini storage units, and 28 single family residential lots along the river. The Planning Commission approved the applicants request for this PUD, Special Use Permit (Density increase to R-34 on the City's 3.6 acres tract), and Subdivision in items PUD-2-19m, SP-5-20, and S-2-19m. See 2020 PUD Site Plan on page 55.

The applicant's current request is to remove the 431 unit mini-storage facility and remove the 28 single-family residential lots along the river from the project and replace it with 296 multi-family units, public open space, and a 16 foot wide pedestrian trail adjacent to the river that allows the public access to the river. The applicant has requested a special use permit for a density increase in SP-5-22 that will allow for the increase in units that are shown on the site plan. See current PUD Site Plan (2022) below on page 55

The proposed PUD modification will add an additional 9 apartment buildings. The proposed density increase special use permit (SP-5-22) will allow for a maximum building height of 63 feet for a multi-family structure. The applicant is self-imposing a maximum building height of 55 feet for this PUD. See *Building Elevations on pages 56 and 57.*

The proposed PUD is located within the 150-foot shoreline area. The shoreline ordinance requires structures to be setback 40 feet for the high water mark. The applicant is proposing to locate the buildings 80 feet beyond the high water mark which is well beyond the required 40 foot setback. However, maximum building height within the 150 foot shoreline is 32 feet. The applicant has submitted a shoreline building line of sight cross section indicating that the proposed buildings at 80 feet back will impose a lesser visual impact than would a 32 foot single family dwelling at 40 feet back. See *Shoreline cross section diagram on pages 65.*

The applicant is proposing both public and private open space areas as part of this project. The open space requirement for a PUD is no less than 10% of the gross land area. The applicant's proposed project will have a total of 19.3% of open space, which is an increase in open space than what was approved in the previous PUD. The applicant is proposing a total of 5.02 acres of open space that will consist of 3.5 acres of private open space associated with the apartment complex and 1.52 acres of public open space associated with the pedestrian trail located along the river.

The proposed public pedestrian trail along the river will allow for active and passive recreation. The river can be accessed from the main trail that will that will traverse the whole length of the property from east to west. There are four main access areas to river that are directly connected to main trail allowing access to the river for users of the trail and of the development.

The proposed alignment of the trail will be located along the river. The proposed 16-foot wide multipurpose trail will have connections to the trail along the shoreline that will connect to the east to the Atlas Waterfront project and also connect to a future trail to the west through Mill River. There will also be a sidewalk connection from the trail along Seltice Way to the proposed trail along the river. *See Open Space Plan on Page 75.*

The applicant has indicated that they will be providing workforce housing as part of this development. The applicant is allowing up to 5 percent of the units be available for people who qualify for workforce housing. The applicant has indicated that a rental applicant with an Area Median Income (AMI) of 100 would be classified as a workforce housing applicant and would qualify for the lesser rental rate. The applicant will compile a workforce housing report and submit it to the Planning Department annually. See Attachment-2: Applicant's email on Workforce Housing Commitment.

The applicant has submitted a narrative as part of this application that details their PUD proposal. See Attachment-1: Applicant's Narrative detailing their proposed project.

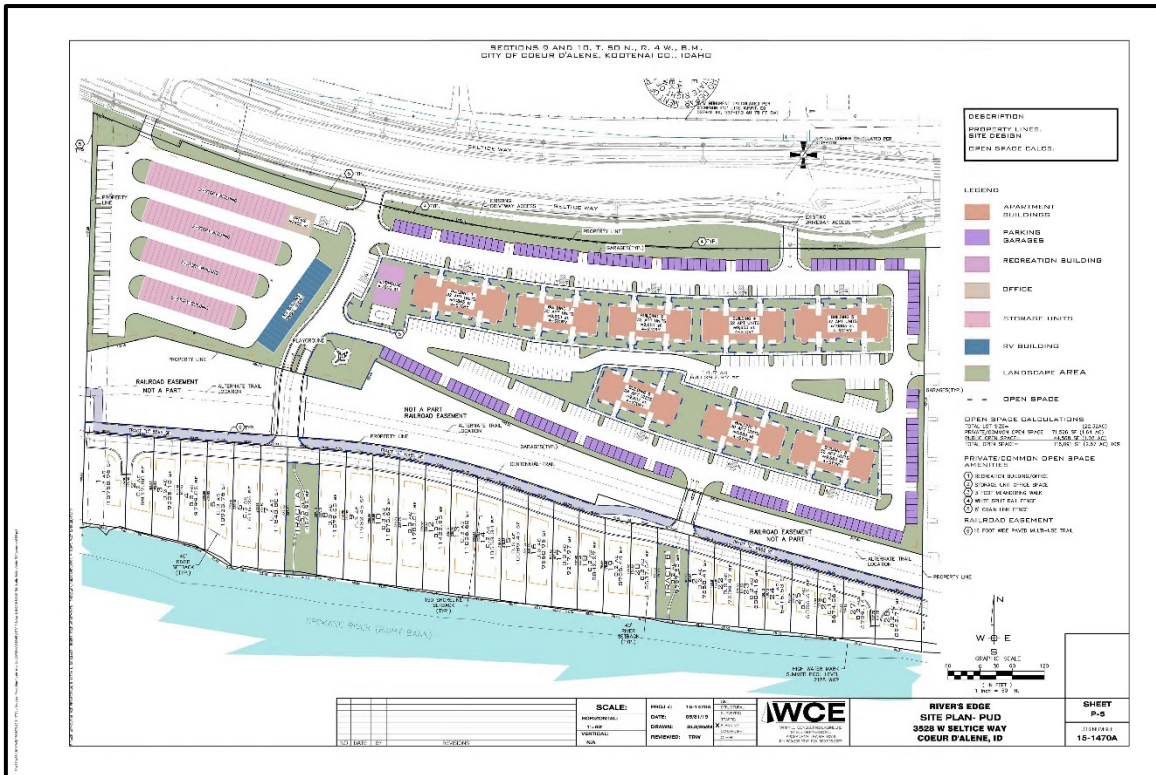
PLANNED UNIT DEVELOPMENT MODIFICATION REQUEST:

- Decrease the maximum building height to 55' rather than 63 feet as allowed by the R-34;
- Increase the maximum building height to 55' rather than 32 feet within 150 feet of the high water mark as required by the Shoreline Ordinance;
- Remove the 431 unit mini-storage facility;
- Remove the single-family residential units along the Spokane River;
- Replace the single-family residential units 32 feet tall set 40 feet back from the Spokane River with multifamily residential units at a height of 55 feet set 80 feet back from the Spokane River;
- Modify the number of structures from 12 multifamily 4-story buildings, totaling 384 units, one clubhouse, and 28 single-family units to 21 multifamily 4-story buildings, totaling 680 units, and one clubhouse;
- Decrease the maximum number of units to 680 rather than 881 units as allowed in the R-34;
- Allow for the pedestrian trail and open space amenities including docks and dock ramps to be built within 40 of the highwater mark; and
- Decrease the overall density of the project to 26.4 units per acres rather than 34 units per acre.

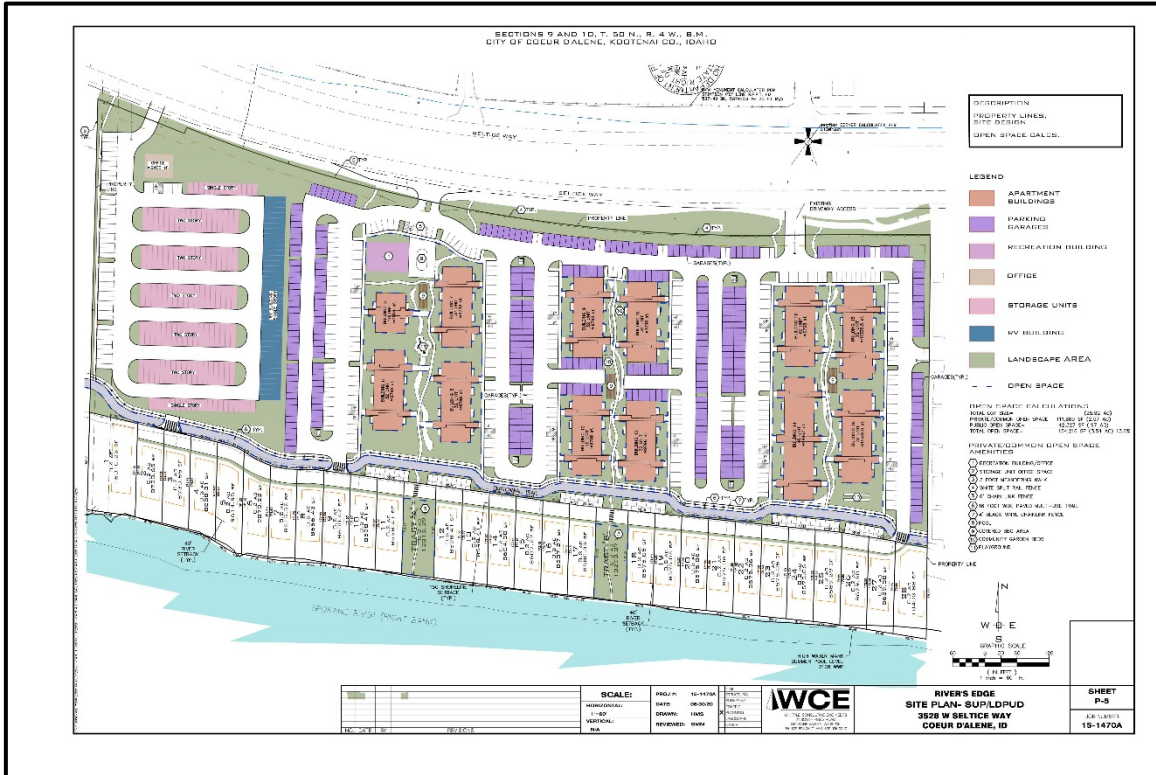
COMPARISONS FROM WHAT WAS APPROVED IN THE 2020 PUD (PUD-2-19m):

<u>Item</u>	<u>PUD - 2020</u>	<u>PUD - 2022</u>
Apartment Units	384	680
Mini Storage Units	431	0
SFD Residential Lots	28	0
Open Space	13.6 %	19.3 %
Total Acres	25.92	25.92
Trail Along River	No	Yes

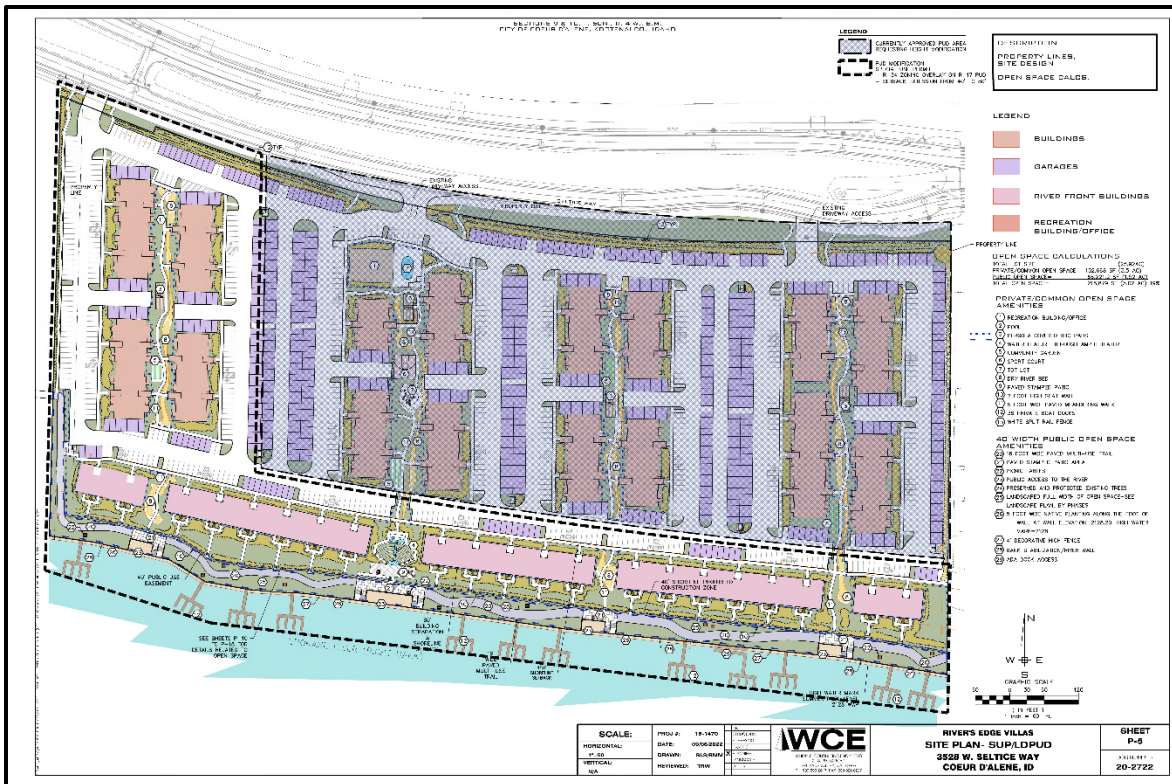
PUD SITE PLAN MAP 2019:



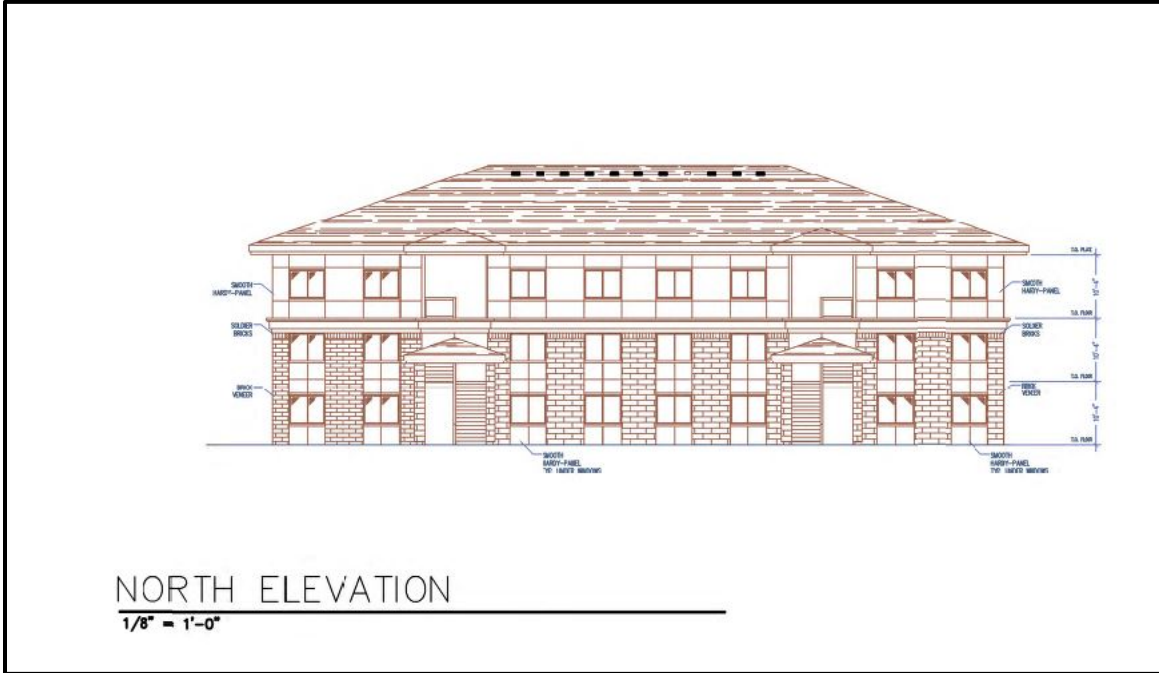
PUD SITE PLAN MAP 2020:



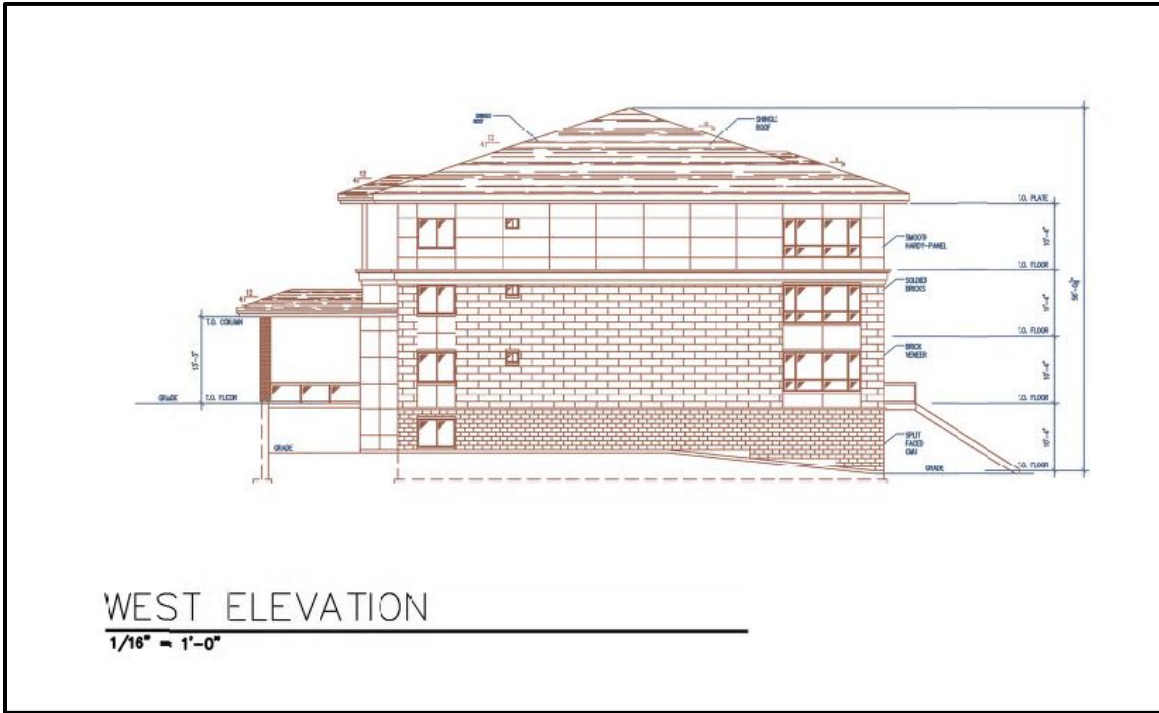
PUD SITE PLAN MAP 2022:



APPLICANT'S APARTMENT BUILDING ELEVATION-1:



APPLICANT'S APARTMENT BUILDING ELEVATION-2:



APPLICANT'S APARTMENT BUILDING ELEVATION-3:



APPLICANT'S APARTMENT BUILDING ELEVATION-4:



17.07.230: PLANNED UNIT DEVELOPMENT REVIEW CRITERIA:

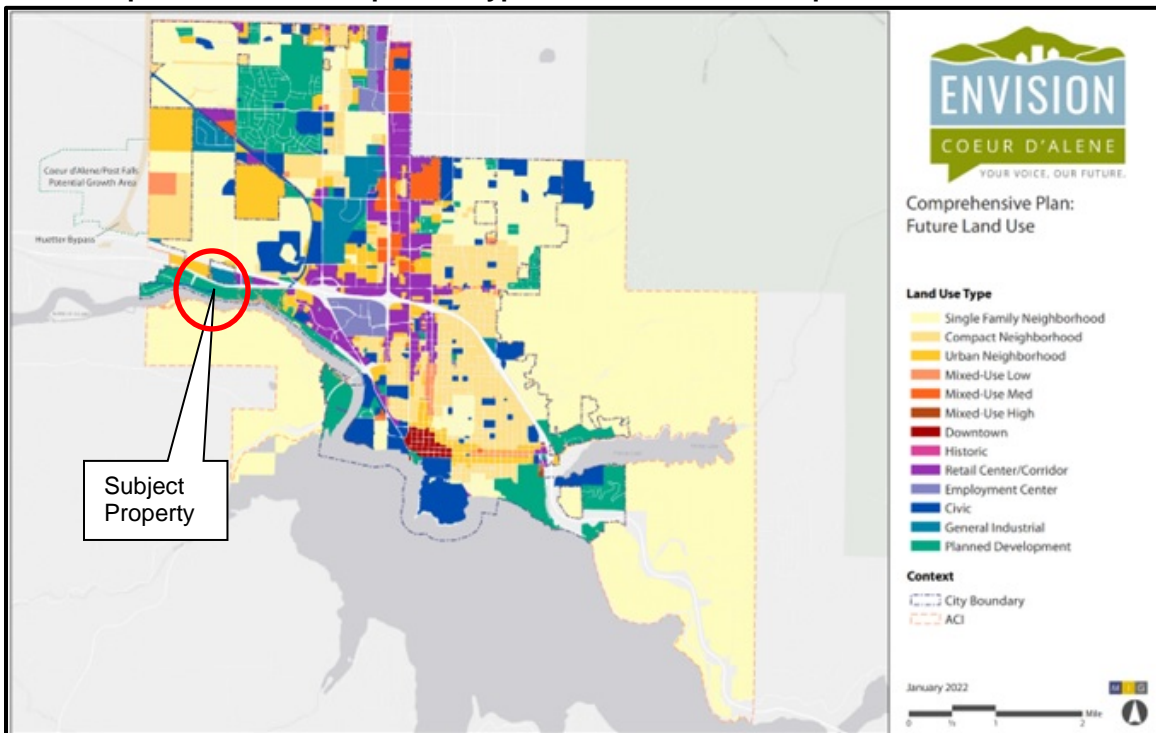
A planned unit development may be approved only if the proposal conforms to the following criteria, to the satisfaction of the commission:

Finding #B8A: **The proposal (is) (is not) in conformance with the Comprehensive Plan.**

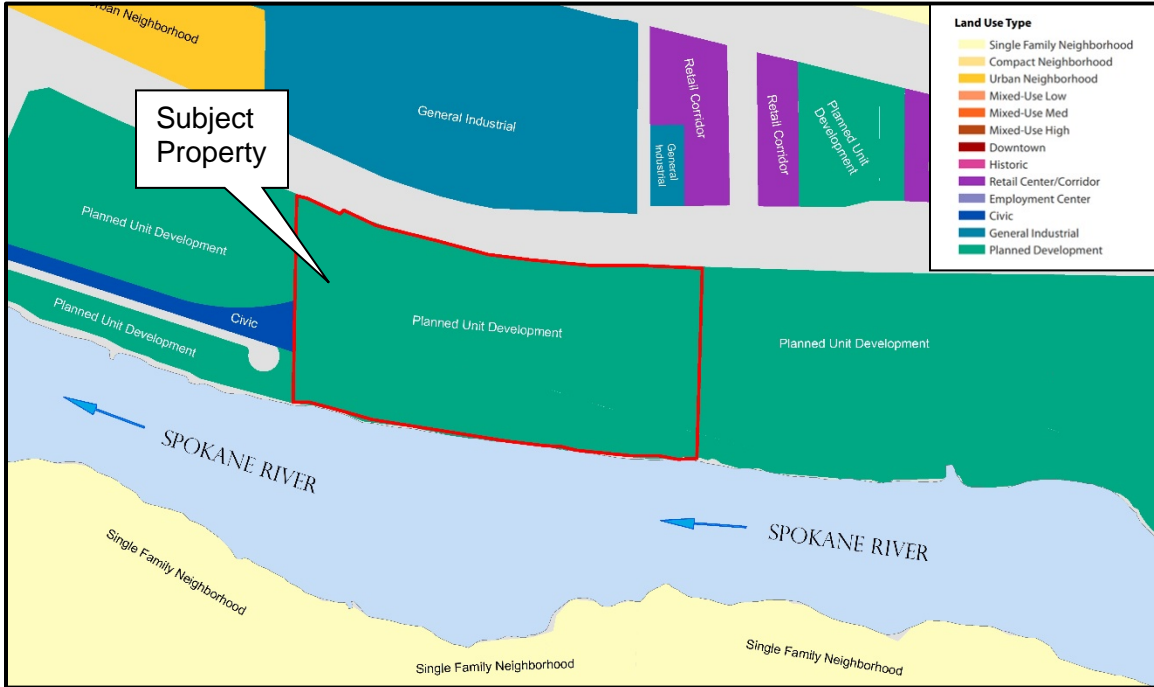
2042 COMPREHENSIVE PLAN- LAND USE CATEGORY:

- The subject property is within the existing city limits.
- The City Comprehensive Plan designates the subject site to be in the Planned Development place type.
- The subject property is located in the City's Area of Impact

2042 Comprehensive Plan Map Place Type: Planned Unit Development



Comprehensive Plan Place Type: Planned Unit Development



Planned Development

Key Characteristics
 Planned Development places are locations that have completed the planned unit development application process. As part of that process the City and the applicant have agreed to a determined set of complementary land uses that can include a number of Place Types. Planned development also often has a determined phasing and development plan and can include land uses such as housing, recreation, commercial centers, and industrial parks, all within one contained development or subdivision. Building design and scale, and transportation, public space and other elements are determined by the City of Coeur d'Alene's PUD evaluation process.

Transportation

- Dependent on PUD approvals it large lots. Access should include pedestrian and bicycle facilities

Typical Uses

- Primary: Dependant on PUD approval agreements
- Secondary: Not applicable

Building Types

- Varies by PUD

Compatible Zoning

- Not applicable. Planned Development may occur within any Place Type (1.5 acre minimum).

PLACE TYPE: Planned Development

Planned Development places are locations that have completed the planned unit development application process. As part of that process, the City and the applicant have agreed to a determined set of complementary land uses that can include a number of Place Types. Large scale Planned developments often have a determined phasing and development plan and may include land uses such as housing, recreation, commercial centers, civic, and industrial parks, all within one contained development or subdivision. Building design and scale, transportation, open space, and other elements are approved through the City of Coeur d'Alene's PUD evaluation process.

Comprehensive Plan: Public access to Shorelines

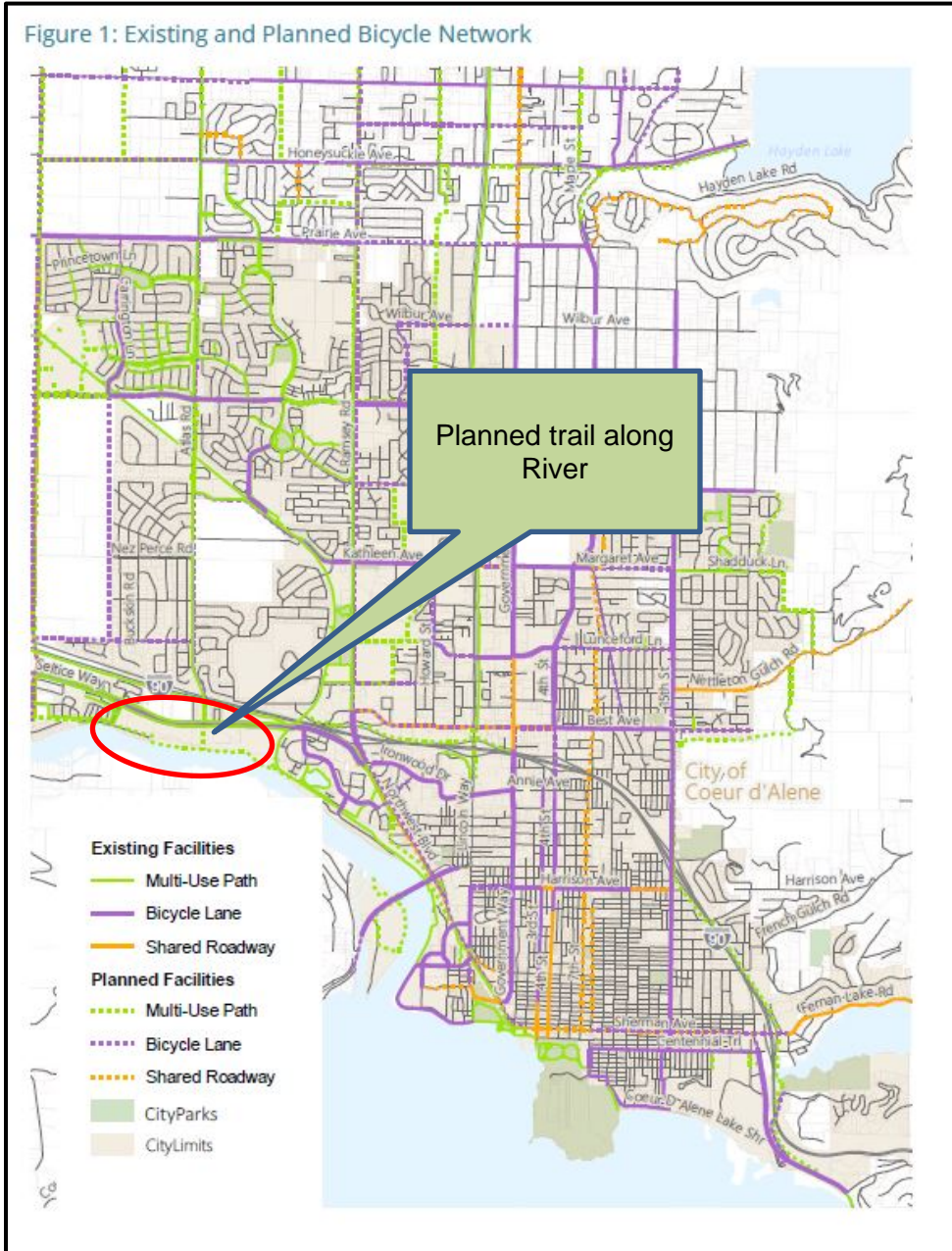
Shorelines



The City of Coeur d'Alene is known for its shorelines which measure 9.05 miles and of which 6.23 miles are public (which include NIC beach and the public boardwalks at both Bellerive and the Coeur d'Alene Resort). They are an asset and provide a multitude of benefits. Community pride, economic advantages, transportation, recreation, and tourism are just a few examples of how shorelines affect the use and perception of our city. Public access to and enhancement of our shorelines is a priority. Shorelines are a community benefit and they must be protected. To ensure preservation, the City has an ordinance that protects, preserves, and enhances our visual resources and public access by establishing limitations and restrictions on specifically defined shoreline property located within city limits. To increase desired uses and access to this finite resource, the city will provide incentives for enhancement. Efficient use of adjacent land, including mixed use and shared parking where appropriate, are just a few tools we employ to reach this goal.

Comprehensive Plan: Public trail along Shoreline

Figure 1: Existing and Planned Bicycle Network



2042 Comprehensive Goals and Objectives that apply:

Community & Identity

Goal CI 1

Coeur d'Alene citizens are well informed, responsive, and involved in community discussions.

OBJECTIVE CI 1.1

Foster broad-based and inclusive community involvement for actions affecting businesses and residents to promote community unity and involvement.

Goal CI 3

Coeur d'Alene will strive to be livable for median and below income levels, including young families, working class, low income, and fixed income households.

OBJECTIVE CI 3.1

Support efforts to preserve existing housing stock and provide opportunities for new affordable and workforce housing.

Environment & Recreation

Goal ER 1

Preserve and enhance the beauty and health of Coeur d'Alene's natural environment.

OBJECTIVE ER 1.1

Manage shoreline development to address stormwater management and improve water quality.

OBJECTIVE ER 1.4

Reduce water consumption for landscaping throughout the city.

Goal ER 2

Provide diverse recreation options.

OBJECTIVE ER 2.2

Encourage publicly-owned and/or private recreation facilities for citizens of all ages. This includes sports fields and facilities (both outdoor and indoor), hiking and biking pathways, open space, passive recreation, and water access for people and motorized and non-motorized watercraft.

OBJECTIVE ER 2.3

Encourage and maintain public access to mountains, natural areas, parks, and trails that are easily accessible by walking and biking.

Growth & Development

Goal GD 1

Develop a mix of land uses throughout the city that balance housing and employment while preserving the qualities that make Coeur d'Alene a great place to live.

OBJECTIVE GD 1.1

Achieve a balance of housing product types and price points, including affordable housing, to meet city needs.

OBJECTIVE GD 1.3

Promote mixed use development and small-scale commercial uses to ensure that neighborhoods have services within walking and biking distance.

OBJECTIVE GD 1.5

Recognize neighborhood and district identities.

OBJECTIVE GD 1.7

Increase physical and visual access to the lakes and rivers.

Goal GD 3

Support the development of a multimodal transportation system for all users.

OBJECTIVE GD 3.1

Provide accessible, safe, and efficient traffic circulation for motorized, bicycle and pedestrian modes of transportation.

The Comprehensive Plan speaks to housing in seven action items and several goals and objectives. The applicant has made a commitment to allocating 5% of the new units for workforce housing at the Area Median Income for five years.

Evaluation: *The Planning Commission must determine, based on the information before them, whether the Comprehensive Plan policies do or do not support the request. Specific ways in which the policy is or is not supported by this request should be stated in the finding.*

Finding #B8B: **The design and planning of the site (is) (is not) compatible with the location, setting, and existing uses on adjacent properties.**

To the South:

The subject site is adjacent to the Spokane River on its southern boundary. The Spokane River is primarily used for recreational activities and has the Navigable Water Zoning District designation.

To the North:

The subject site is adjacent to Seltice Way on its northern boundary. Seltice Way is an arterial road and the site plan indicates that there will be three access points onto Seltice Way. The properties along the north side of Seltice Way have residential and commercial uses on them with commercial zoning that is in the County.

To the East:

To the east of the subject site is the 45-acre Atlas Waterfront project that is partially developed some of which is currently under site development. The Atlas Waterfront Park and trail is also located to the East of the subject site. Eastward beyond the Atlas Waterfront project are the Riverstone and the Bellerive subdivisions, as well as the Centennial Trail and a dog park. Uses within Riverstone include multi-family apartments, a retirement community, single family dwellings, restaurants, a mixed-use village with retail uses, and other commercial uses. The Atlas Waterfront project has a C-17 PUD zoning designation.

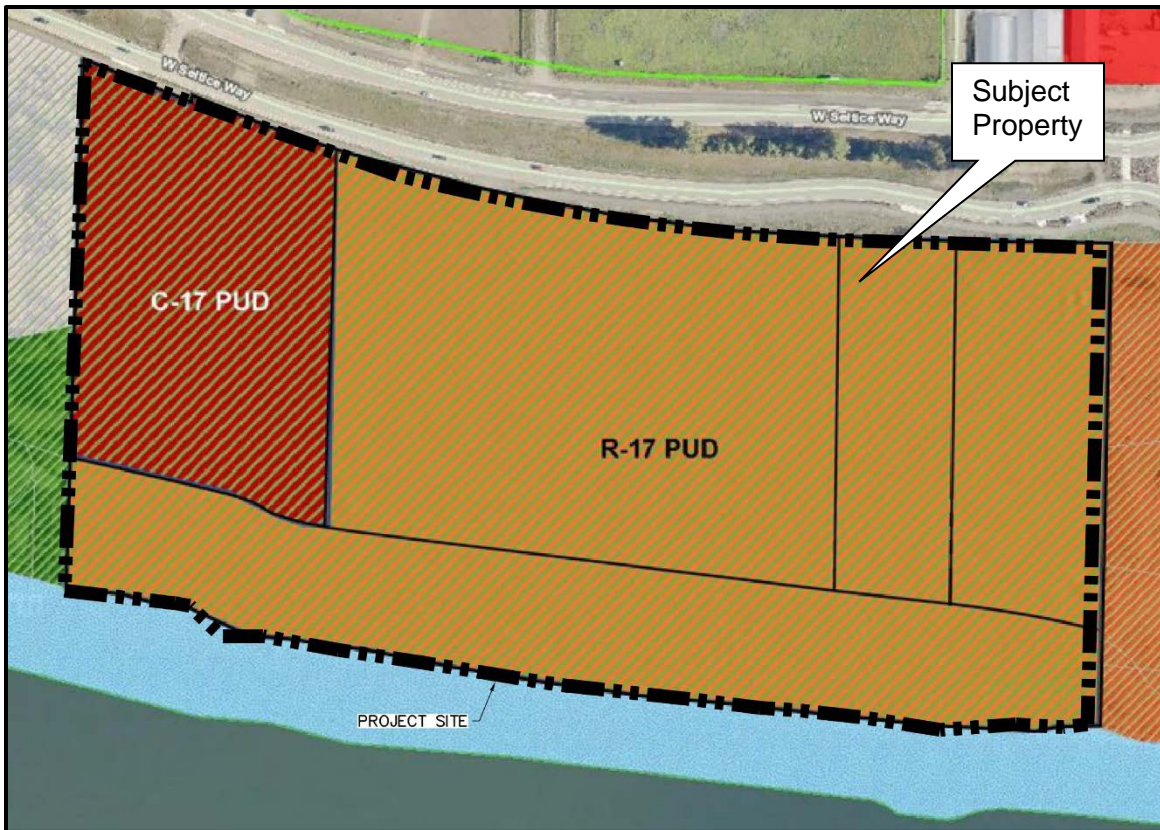
To the West:

To the west of the subject site are single family dwellings and a commercial office space that is used as a call center. There is also a vacant undeveloped former railroad right-of-way property that is owned by the City that will be developed with a 16-foot wide multi-use trail that will be an extension of the trail through the proposed project and Atlas Waterfront, connecting to the Centennial Trail to the east. The properties to the west that have single family dwellings on them are zoned R-8PUD. The commercial call center property is zoned C-17LPUD. See *Generalized Land Use Map and Zoning Map below and on pages 64-65.*

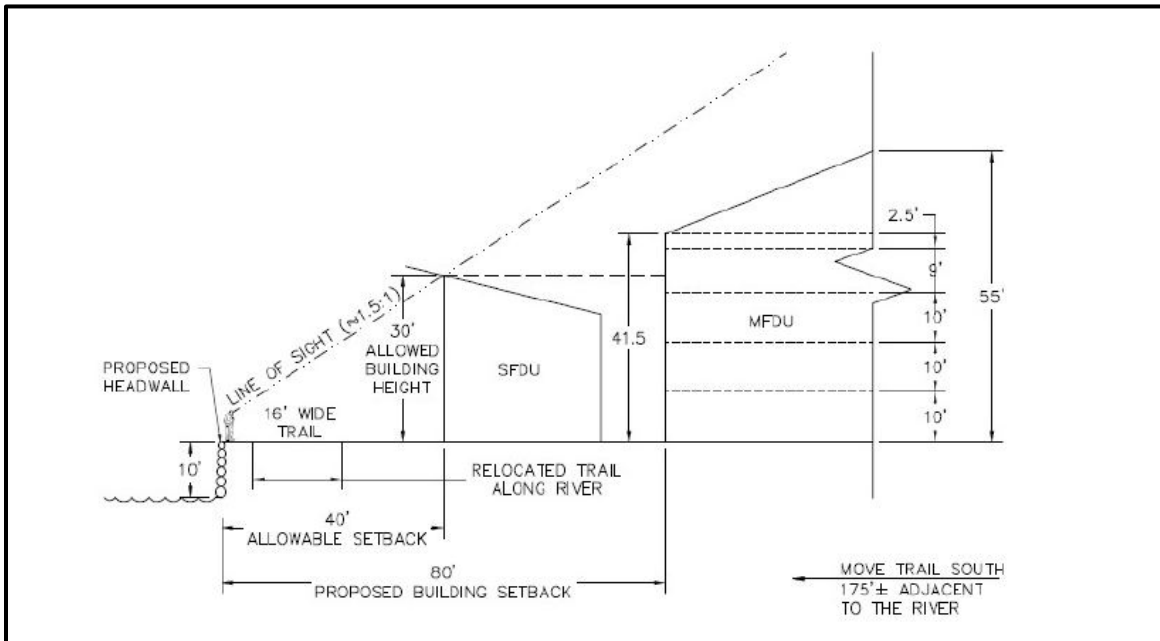
GENERALIZED LAND USE MAP:



ZONING: Per request in ZC-3-22



SHORELINE SETBACK CROSS SECTION:



SITE PHOTO - 1: North central part of property looking west along Seltice Way.



SITE PHOTO - 2: North central part of property looking west.



SITE PHOTO - 3: North central part of property looking southwest.



SITE PHOTO - 4: North central part of property looking south.



SITE PHOTO - 5: North central part of property looking southeast.



SITE PHOTO - 6: North central part of property looking west.



SITE PHOTO - 7: Southeast part of property looking southeast along trail and river.



SITE PHOTO - 8: Southeast part of property looking northwest along trail and river.



SITE PHOTO - 9: Southeast part of property looking southeast to neighboring property along river.



SITE PHOTO - 10: South central part of property at rivers edge looking west.



Evaluation: *The Planning Commission must determine, based on the information before them, whether or not the design and planning of the site is compatible with the location, setting and existing uses on adjacent properties.*

Finding #B8C: **The proposal (is) (is not) compatible with natural features of the site and adjoining properties.**

The subject property is higher along Seltice Way and slopes downward toward the Spokane River to the south. There is an approximately thirty-foot elevation drop on the subject site. There are no topographical or other physical constraints that would make the subject property unsuitable for the proposed PUD amendment request. See *Topographic Map Below on Page 71.*

TOPOGRAPHIC MAP:



Evaluation: *The Planning Commission must determine, based on the information before them, whether or not the proposal is compatible with natural features of the site and adjoining properties.*

Finding #B8D: **The location, design, and size of the proposal are such that the development (will) (will not) be adequately served by existing public facilities and services.**

STORMWATER:

The City Code requires a stormwater management plan to be submitted and approved prior to any construction activity on the site. Development of the subject property will require that all new storm drainage be retained on site. This issue will be addressed at the time of plan review and site development of the subject property.

- Submitted by Chris Bosley, City Engineering

STREETS:

The subject property is bordered by Seltice Way to the north, which has been recently reconstructed to City standards. No alterations will be required. Streets & Engineering has no objections to the proposed PUD.

- Submitted by Chris Bosley, City Engineer

TRAFFIC:

The subject property is bordered by Seltice Way to the north, which is a principal arterial connecting the cities of Coeur d'Alene and Post Falls. According to the November 1, 2022 Trip Generation and Distribution Letter by Whipple Consulting Engineers, over 1000 additional trips per day could be generated by proposed modification to the development at full build-out. This results in approximately an additional 94 AM and 50 PM peak hour trips. Although Seltice Way is currently operating at an acceptable Level of Service and the proposed development will not cause excessive congestion, future traffic levels forecasted by KMPO and referenced in the Trip Generation and Distribution Letter show that congestion levels by 2035 will reach undesirable levels even without this proposed development. This is due to regional growth that has been focused in the west and northwest areas of the City, as well as limited travel corridors available into Coeur d'Alene. The Streets & Engineering Department has no objection to the proposed development, but requests a Traffic Mitigation Plan be funded by the applicant to identify congestion mitigation measures that can be funded by development impact fees prior to reaching the forecasted congestion levels. The engineering firm performing the Traffic Mitigation Plan will be chosen by the City from the City's approved on-call consultant list.

-Submitted by Chris Bosley, City Engineering

WATER:

There is adequate capacity in the public water system as a whole to support domestic, irrigation and fire flow for the proposed zone change. There is an existing 12 inch and eight inch water infrastructure recently installed on the project including fire hydrants and services. The Water Department has no objections to the zone change as proposed.

-Submitted by Terry Pickle, Water Department Director

PARKS:

The 2017 Trails and Bikeways Master Plan requires a shared use path located along the north side of the Spokane River. The Parks Department has reviewed the PUD and has one change. The proposed trail has a sharp 90-degree turn planned near the western end of the trail where it turns west and goes off the property. According to MUTCD standards the turn in the trail must have a gentler curve upwards than the planned 90-degree turn. The distance in the curve cannot be less than 60 feet long. It is possible to begin the curve closer to the south property line of the adjacent parcel and then end the trail in the middle of the curve at the property line. The curve can be finished when the City extends the trail in the adjacent property to the west. The other 90-degree curve to the south looks to have a larger turn radius and is (likely) acceptable.

The property owner will have to maintain all the landscaping, beaches, amphitheater and docks in the proposal. The City will plow snow and sweep/blow the surface of the trail on a regular basis.

The asphalt mix used in the trail should have 3/8-inch rock instead of the typical 3/4-. This is referred to as driveway mix and provides a smoother surface for bicycles, wheelchairs, skateboards, rollerblades and strollers. Our standards require 4 inches of compacted gravel and 2 inches of asphalt.

It is also helpful to sterilize the surface under where the trail will go to prevent weeds from growing through and damaging the trail. The Parks Department has no objection to the zone change as proposed.

-Submitted by Monte McCully, Trails Coordinator

WASTEWATER:

Based on the 2013 Sewer Master Plan (SMP) Appendix J, this subject property falls under the Mill River Sewer Lift Station Basin which was modeled for 17 units per acre. The SMP requires this property to connect to the public sewer that was extended east from Shoreview Lane and was extended “to and through” the subject property to their easterly property line. Since sewer capacity falls under a “1st come 1st served basis”, and while the City presently has the capacity to serve.

The Special Use’s proposed density increase to R-34 will require hydraulic modeling of the added PUD sewer flows into the Mill River Pump Station. City sewer is already on this site from the east end of Shoreview Lane and through this parcel to the east at Atlas Waterfront.

Sewer Policy #719 requires a 20’ wide utility easements (30’ if shared with Public Water) or R/W dedicated to the city for all city sewers. Sewer Policy #719 requires an “All-Weather” surface permitting O&M access to the city sewer. City Resolution 14-025 requires all EDUs within the Mill River Lift Station Sewer Service Area to pay into the capacity system upgrades to the Mill River Lift Station. Sewer Policy #716 requires all legally recognized parcels within the City to be assigned with a single (1) public sewer connection. The Applicant shall be responsible for all O&M of the private sewer. The City of CDA will not be financially obligated for any O&M costs associated with a private sewerage system. Idaho Code §39-118 requires IDEQ or QLPE to review and approve public infrastructure plans for construction.

-Submitted by Larry Parsons, Utility Project Manager

FIRE:

The Fire Department works with the Engineering and Water Departments to ensure the design of any proposal meets mandated safety requirements for the city and its residents.

Fire department access to the site (road widths, surfacing, maximum grade, and turning radiuses), in addition to, fire protection (size of water main, fire hydrant amount and placement, and any fire line(s) for buildings requiring a fire sprinkler system) will be reviewed prior to building permit or during site development, and building permit, utilizing the currently adopted International Fire Code (IFC) for compliance. The City of Coeur d’Alene Fire Department can address all concerns at site and building permit submittals. The Fire Department has no objection to the zone change as proposed.

-Submitted by Bobby Gonder, Fire

POLICE:

The police department has indicated that any development may require an increase in personnel, but that will be handled through the City's budgeting process. The police department does not object to this Project.

Evaluation: *The Planning Commission must determine, based on the information before them, whether or not the location, design, and size of the proposal are such that the development will be adequately served by existing public facilities and services.*

Finding #B8E: **The proposal (does) (does not) provide adequate private common open space area, as determined by the Commission, no less than 10% of gross land area, free of buildings, streets, driveways or parking areas. The common open space shall be accessible to all users of the development and usable for open space and recreational purposes.**

The applicant is proposing both public and private open space areas as part of this project. The open space requirement for a PUD is no less than 10% of the gross land area. The applicant's proposed project will have a total of 19.3% of open space, which is an increase in open space than what was approved in the previous PUD. The applicant is proposing a total of 5.02 acres of open space that will consist of 3.5 acres of private open space associated with the apartment complex and 1.52 acres of public open space associated with the pedestrian trail located along the river.

The proposed public pedestrian trail along the river will allow for active and passive recreation.

The river can be accessed from the main trail that will traverse the whole length of the property from east to west. There are four main access areas to river that are directly connected to main trail allowing access to the river for users of the trail and of the development.

The proposed alignment of the trail will be located along the river. The proposed 16-foot wide multipurpose trail will have connections to the trail along the shoreline that will connect to the east to the Atlas Waterfront project and also connect to a future trail to the west through Mill River. There will also be a sidewalk connection from the trail along Seltice Way to the proposed trail along the river. See *Open Space Plan on Page 75*.

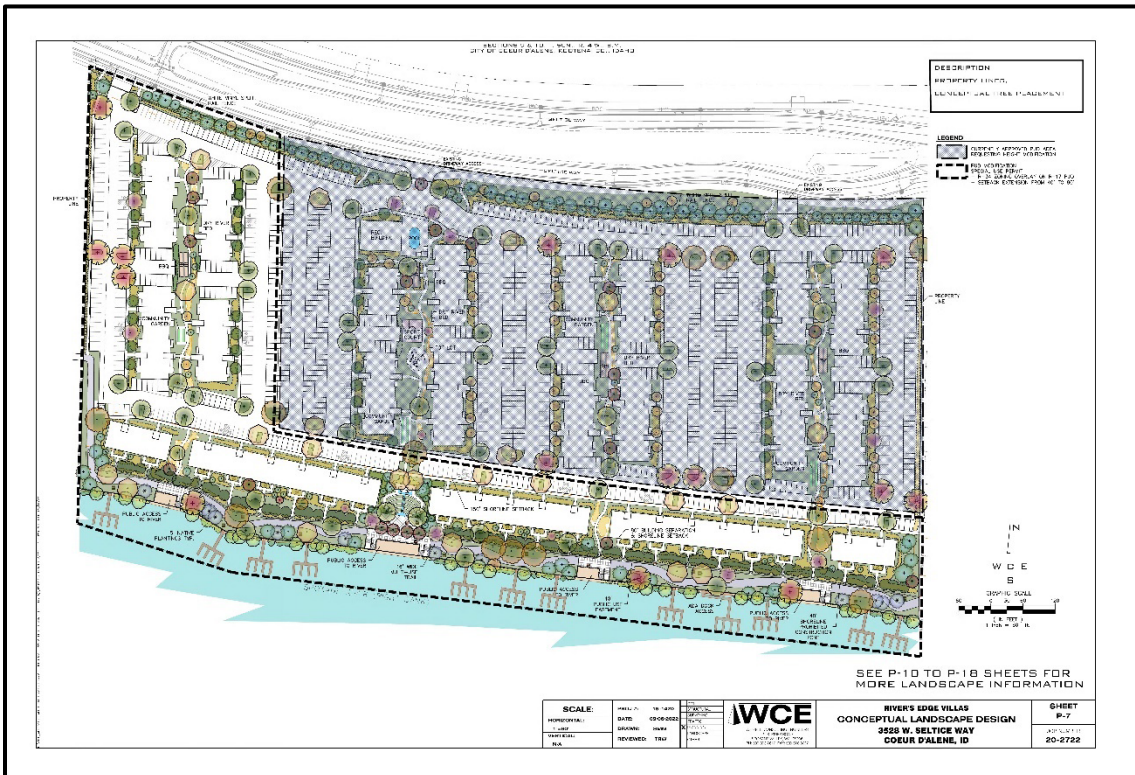
Applicant's Response (Narrative):

The proposal includes 1.52 acres of designated public open space, most of which is located on the waterfront, and 3.5 acres of common/private open space (not public) used for the enjoyment of the residents of this community for a total of nearly 19% open space. Setbacks, off street parking and loading areas, driveways, street requirements, pedestrian requirements, and the landscaping requirements of the code will conform to the existing zoning and design requirements of the R-34 zone.

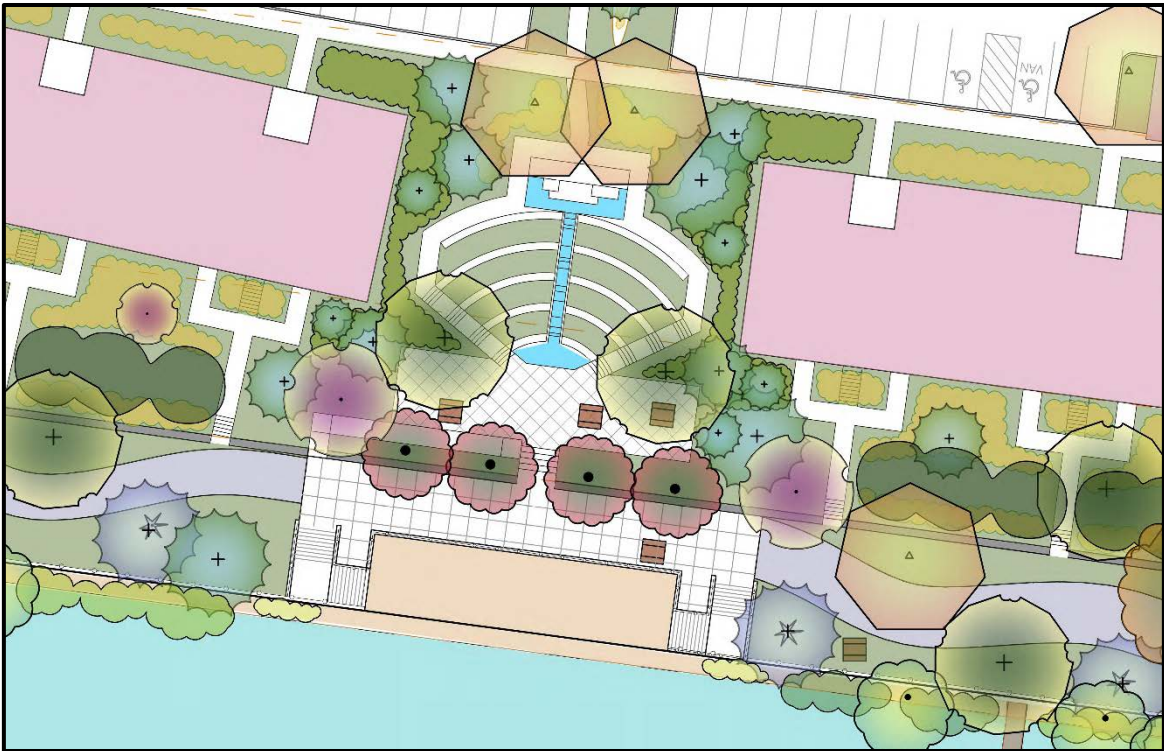
There are two types of open space provided with this amended development: private and public open space. The common/private open space consists of approximately 3.5 acres of beautifully landscaped slopes with a number of amenities for the apartment dwellers. A 5,500-sf recreation building which houses a lounge and workout room opens to a fenced in pool with pergola covered BBQ pads and a large lounge area centralized for all residence in the complex. This main common/private open space corridor will vary in width from 115-feet to 150 feet with community gardens, a sports court, a 5' wide paved meandering path, picnic, BBQ and gathering areas with tables. There is a large fire pit proposed which extends into a large patio with tables at the same elevation as the riverfront buildings. Additional private open space has more gathering spaces, a tot lot, and community gardens throughout the property connected by the paved paths. These paths run throughout the site connecting residence to all amenities on site as well as the river and the east/west multi-path for additional offsite connectivity. The open space corridors have dry stream beds incorporated within their landscape environments which run down each corridor leading the eye toward the river. To add some additional northwest beauty and screening between buildings will be implemented with the use of evergreen and deciduous trees, shrubs and grasses for a unique outdoor experience.

The public open space is located in the first 40 feet north from the Spokane River, this public open space will cover nearly 1.52 acres across the full length of property. The public has access using the east and west entrances to the proposed 16' wide paved multi use trail from the City's proposed mixed-use property and the Mill River trail connections. The 16' multi use trail meanders across this swath of land joining in four places to paved patios with tables and chairs providing access to the vista viewpoints. These public patios will have access the Spokane River by stairs off of each patio. The bottom of the stairs is proposed to be constructed at summer pool level of the Spokane River so as to put visitors right at the summer river level

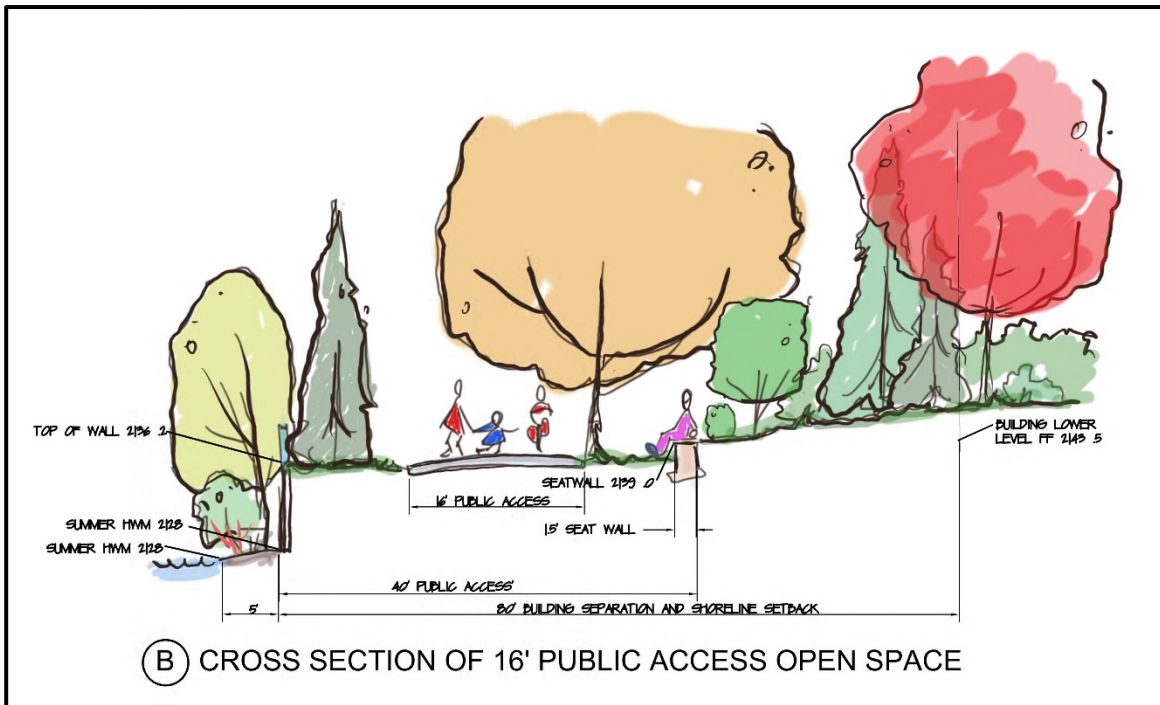
OPEN SPACE – SITE PLAN MAP:



OPEN SPACE DETAILS - 3:



OPEN SPACE DETAILS - 4:



2017 TRAILS AND BIKEWAYS MASTER PLAN: Shared Use Path along River:



In February of 2016, the Planning Commission held a workshop to discuss and better define the intent, functionality, use, types, required improvements, and other components of open space that is part of Planned Unit Development (PUD) projects. The workshop discussion was necessary due to a number of requested PUD's with the Planning Commission being asked to approve "usable" open space within a proposed development.

Per the Planning Commission Interpretation (Workshop Item I-1-16 Open Space), the below list outlines what qualifies as Open Space.

- ≥ 15 FT wide, landscaped, improved, irrigated, maintained, accessible, usable, and include amenities
- Passive and Active Parks (including dog parks)
- Community Gardens
- Natural ok if enhanced and in addition to 10% improved
- Local trails

The open space proposed with this request would result in an increase in the open space over the previous approval.

Evaluation: *The Planning Commission must determine, based on the information before them, whether or not the proposal provides adequate private common open space area, no less than 10% of gross land area, free of buildings, streets, driveways or parking areas. The common open space shall be accessible to all users of the development and usable for open space and recreational purposes.*

Finding #B8F: **Off-street parking (does) (does not) provide parking sufficient for users of the development.**

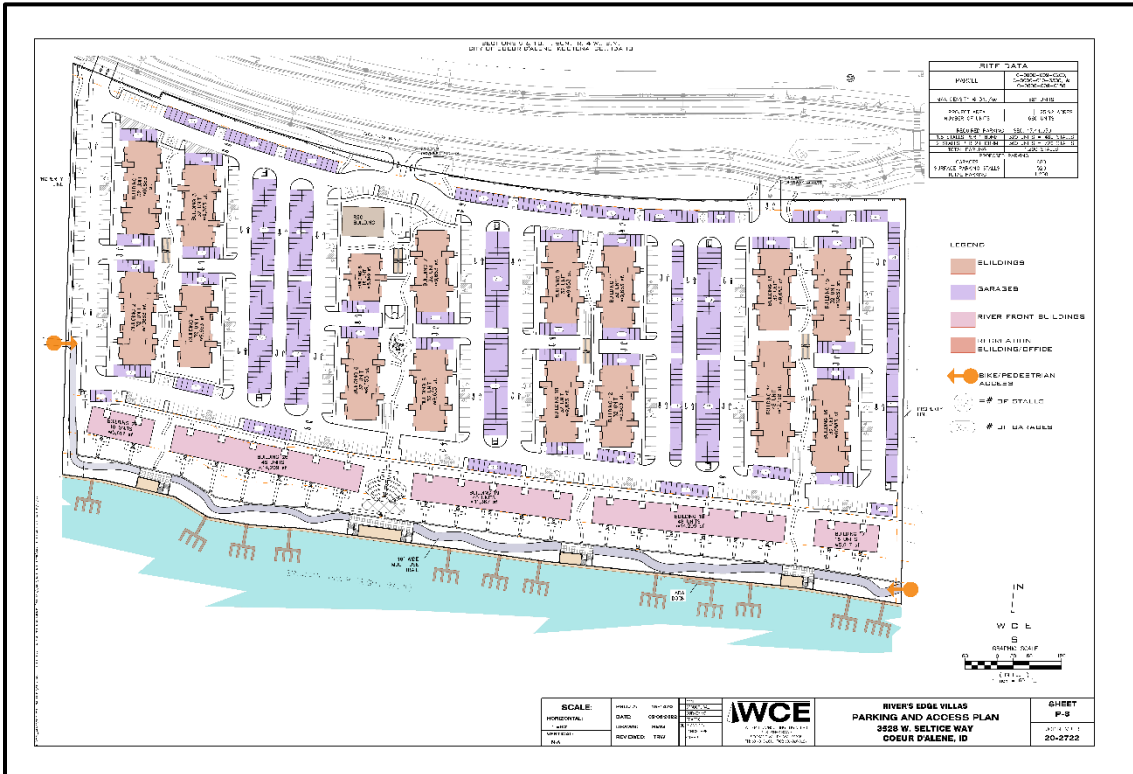
There are no requests made to change the City's off-street parking requirements through the PUD process. The applicant has indicated that the proposed PUD will meet all of the City's parking requirements and standards.

Single family homes will be required to provide two (2) off-street paved parking spaces per unit, which is consistent with code requirements for single-family residential. Parking for multi-family units is based on the total number of bedrooms each unit has. The applicant has submitted a Parking Plan for the overall development indicating how the parking requirements will be met. See *Parking Plan below on page 80.*

PARKING PLAN LEGEND:

SITE DATA		
PARCEL	C-0000-009-0200, C-0000-010-3300, & C-0000-009-0150	
MAX DENSITY @ 34u/ac	881 UNITS	
PROJECT AREA	25.92 ACRES	
NUMBER OF UNITS	680 UNITS	
REQUIRED PARKING – SEC. 17.44.030		
1.5 STALLS PER 1 BDRM	320 UNITS = 480 STALLS	
2 STALLS PER 2+ BDRM	360 UNITS = 720 STALLS	
TOTAL PARKING	1,200 STALLS	
PROPOSED PARKING		
GARAGES	680	
SURFACE PARKING STALLS	520	
TOTAL PARKING	1,200	

PARKING PLAN:



Evaluation: The Planning Commission must determine, based on the information before them, whether or not the off-street parking provides parking sufficient for users of the development.

Finding #B8G: That the proposal (does) (does not) provide for an acceptable method for the perpetual maintenance of all common property.

The apartment complex open space and common areas are private and will be required to be maintained by the private property owner.

The open space area located along the river and the common spaces, private drives, utilities, trail, and walkways along the river will be required to be maintained through a Home Owners Association (HOA). The creation of a HOA will be required to be part of the final development plans to ensure the perpetual maintenance of the open space and other common areas. The HOA will be responsible for continued maintenance of all streets, gates, open space and all other common property.

The applicant is encouraged to work with the City of Coeur d'Alene legal department on all required language for the CC&Rs, Articles of Incorporation, and By-Laws, and any language that will be required to be placed on the final subdivision plat in regards to maintenance of all private infrastructure.

Evaluation: *The Planning Commission must determine, based on the information before them, whether or not the proposal provides for an acceptable method for the perpetual maintenance of all common property.*

APPLICABLE CODES AND POLICIES:

Utilities:

1. All proposed utilities within the project shall be installed underground.
2. All water and sewer facilities shall be designed and constructed to the requirements of the City of Coeur d'Alene. Improvement plans conforming to City guidelines shall be submitted and approved by the City Engineer prior to construction.
3. All water and sewer facilities servicing the project shall be installed and approved prior to issuance of building permits.
4. All required utility easements shall be dedicated on the final plat.

Streets:

5. All new streets shall be dedicated and constructed to City of Coeur d'Alene standards.
6. Street improvement plans conforming to City guidelines shall be submitted and approved by the City Engineer prior to construction.
7. All required street improvements shall be constructed prior to issuance of building permits.
8. An encroachment permit shall be obtained prior to any work being performed in the existing right-of-way.

Stormwater:

9. A stormwater management plan shall be submitted and approved prior to start of any construction. The plan shall conform to all requirements of the City.

Fire Protection:

10. Fire hydrant(s) shall be installed at all locations as determined by the City Fire Inspectors.

General:

11. The final plat shall conform to the requirements of the City.
12. Prior to approval of the final plat, all required improvements must be installed and accepted by the City. The developer may enter into an agreement with the City guaranteeing installation of the improvements and shall provide security acceptable to the City in an amount equal to 150 percent of the cost of installation of the improvements as determined by the City Engineer. The agreement and security shall be approved by the City Council prior to recording the final plat.

PROPOSED CONDITIONS FOR PUD-2-19m2 and SP-5-22:

- 1) The PUD requested in PUD-2-19m2 is only valid if the Special Use Permit (SP-5-22) is approved by the Planning Commission and the Zone Change (ZC-3-22) is approved by City Council.
- 2) A Lighting Plan must be submitted as part of the building permits for any new apartment buildings indicating full cut off lighting.
- 3) If docks are to be constructed, the Fire Department will require access to the docks including a standpipe system.
- 4) The Idaho Department of Lands will need to review and approve any dock permits.
- 5) Any additional water service will require cap fees due at time of building permitting.
- 6) Any additional main extensions and/or fire hydrants and services will be the responsibility of the developer at their expense.
- 7) Dead-end fire apparatus access roads over 150 feet in length requires FD approved turn-around. Turning radiuses for FD is 25' interior and 50' exterior.
- 8) Temporary Street signs and Address's shall be installed until permanent signs/address are installed.
- 9) FD access streets designed to hold an imposed load of 75,000 lbs. Minimum FD access width is 20' and 26' with a hydrant.
- 10) Trees are prohibited to be planted over HARSB sewer outfall pipe line easement.
- 11) A Traffic Mitigation Plan should be funded by the applicant to identify congestion mitigation measures that can be funded by development impact fees prior to reaching the forecasted congestion levels. The Traffic Mitigation Plan shall be subject to only two intersections, the Seltice-Atlas intersection and the Seltice-Northwest Boulevard intersection. The engineering firm performing the Traffic Mitigation Plan will be chosen by the City from the City's approved on-call consultant list.
- 12) Soften the 90 degree "sharp" turn in the trail on the western edge of the property.
- 13) Use 'Driveway Mix' asphalt in the construction of the trail.
- 14) Sterilize the ground with herbicide before laying down gravel and asphalt.
- 15) Maintain landscaping and amenities into perpetuity
- 16) Wastewater requires hydraulic modeling of the Mill River Sewer Pump Station with the request for increased density.
- 17) The Subject Property is within the City of Coeur d'Alene and in accordance with the 2013 Sewer Master Plan; the City's Wastewater Utility presently has the wastewater system capacity, willingness and intent to serve this PUD request as proposed but any increase in density will require hydraulic modeling of the added PUD sewer flows into the Mill River Pump Station.
- 18) A utility easement or R/W for the public sewer shall be dedicated to the City prior to building permits.

- 19) An unobstructed City approved “all-weather” access shall be required over all city sewers.
- 20) Payment of the Mill River Lift Station Surcharge Fee shall be required on all building permits.
- 21) This PUD shall be required to comply with the City’s One Lot-One Lateral Rule.
- 22) All sewerage lines beyond and upstream of the public sewer connection shall be privately owned and maintained by the PUD’s Owner at no cost to the City.
- 23) All public sewer plans require IDEQ or QLPE Approval prior to construction.
- 24) That five percent (5%) of the proposed 296 new units be available to people making Coeur d’Alene’s Area Median Income (AMI) for a 4 person household. This for a period of 5 years commencing when the first buildings Certificate of Occupancy is issued. The applicant shall provide annual reports to the Planning Department comprised of rent rolls and application data for the renters qualifying for these units.
- 25) The maximum number of units for the overall project be restricted to 680.
- 26) The public trail and river front open space area(s) along the river is completed and installed before occupancy permits are issued for any of the new nine proposed apartment buildings.
- 27) An Open Space and Public Access easement with the City of Coeur d’Alene must be recorded prior to construction.
- 28) All modification requests are adhered too, as stated below:
 - Decrease the maximum building height to 55’ rather than 63 feet as allowed by the R-34;
 - Increase the maximum building height to 55’ rather than 32 feet within 150 feet of the high water mark as required by the Shoreline Ordinance;
 - Remove the 431 unit mini-storage facility;
 - Remove the single-family residential units along the Spokane River;
 - Replace the single-family residential units 32 feet tall set 40 feet back from the Spokane River with multifamily residential units at a height of 55 feet set 80 feet back from the Spokane River;
 - Modify the number of structures from 12 multifamily 4-story buildings, totaling 384 units, one clubhouse, and 28 single-family units to 21 multifamily 4-story buildings, totaling 680 units, and one clubhouse;
 - Decrease the maximum number of units to 680 rather than 881 units as allowed in the R-34;
 - Allow for the pedestrian trail and open space amenities including docks and dock ramps to be built within 40 of the highwater mark; and
 - Decrease the overall density of the project to 26.4 units per acres rather than 34 units per acre.

ORDINANCES & STANDARDS USED FOR EVALUATION:

2042 Comprehensive Plan
Transportation Plan
Municipal Code
Idaho Code
Wastewater Treatment Facility Plan
Water and Sewer Service Policies
Urban Forestry Standards
Transportation and Traffic Engineering Handbook, I.T.E.
Manual on Uniform Traffic Control Devices
2017 Coeur d'Alene Trails Master Plan

ACTION ALTERNATIVES:

The Planning Commission will need to consider the three requests and make separate findings to approve, deny, or deny without prejudice. The findings worksheets are attached.

Attachments:

Attachment 1 – Applicant’s Narrative
Attachment 2 – Applicant’s Workforce Housing Commitment - email



**APPLICANT'S
NARRATIVE**

From: Lanzce
To: [BEHARY, MIKE](#)
Subject: RE: Workforce Housing - Statement - Rivers Edge PUD
Date: Wednesday, December 07, 2022 10:53:38 AM
Attachments: [image001.png](#)

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Mike,

I am willing to make 5% of any additionally approved units available to people making Coeur d'Alene's AMI for a 4 person household. I offer this for a period of 5 years commencing when the first buildings Certificate of Occupancy is issued. I will not hold units specifically for them but if they fill out an application and we have units available we will rent to them. I am sure there are lots of details we will need to work out should we get approved.

Lanzce

From: BEHARY, MIKE <MBEHARY@cdaid.org>
Sent: Wednesday, December 7, 2022 9:30 AM
To: Lanzce <lanzce@irentspokane.com>; 'mcgridleyusa@aim.com' <mcgridleyusa@aim.com>
Cc: PATTERSON, HILARY <HPATTERSON@cdaid.org>
Subject: Workforce Housing - Statement - Rivers Edge PUD

Lanzce,

Will you please email over the workforce housing statement that we discussed in our meeting last Thursday. If you could have that over to us in the AM tomorrow, that would be great. The staff report has to go out by the end of the week and we would like to get you an early copy as soon as it is ready.

Thank you,

Mike Behary, AICP, MURP
Associate Planner
City of Coeur d'Alene, ID
208-769-2271





RIVER'S EDGE APARTMENTS

Zone Change, Limited Use
Planned Unit Development,
and Special Use Permit



20-2722 River's Edge
Limited Design PUD
9/29/2022
Page 1

September 29, 2022
W.O. No. 2020-2722

City of Coeur d'Alene
Planning Department
710 E. Mullan Avenue
Coeur d'Alene, ID 83814

**RE: River's Edge Apartments and Subdivision- Limited Design Planned Unit Development (LDPUD)
Associated Applications, Narrative and LDPUD Amendment Discussion**

Dear Planning Staff and Planning Commission:

Whipple Consulting Engineers on behalf of River's Edge Apartments requests a zone change, Special Use Permit and a Limited Design Planned Unit Development (LDPUD) amendment to modify the previous approval of PUD-2-19m and S 2-19m to construct an additional 9 apartment buildings along with the previously approved 12 apartment buildings and one clubhouse on approximately 25.78 acres. The zone change to R-17 encompasses parcel numbers C-0000-009-0200, C-0000-009-0150, C-0000-090-0100 and C-0000-010-3300; while the Special Use Permit for an R-34 overlay and amended LDPUD for PUD-2-19m and S 2-19m includes the previous parcels as well as parcel number C-0000-009-0250. The site is located in the NE ¼ of Section 9 and the NW ¼ of Section 10, Township 50 N., Range 4 W., B.M. Currently, the site is mixed-zone with sections zoned C-17, C-17 PUD and R-12 PUD. The R-12 zone allows for the development of residences at a density of up to 12 units an acre, and the C-17 zone allows for the development of residences at a density of up to 17 units per acre in addition to all other commercial uses as allowed by city code.

The existing PUD is currently approved for 384 residential apartment units on 12 buildings and one clubhouse, 28 single family residential units and 234 units of mini-storage. The 150' shoreline setback allows for a 40' building setback with a max height of 30'. As approved, the trail will pass through the site between two paved drive aisles on the C-17 parcel, which was part of a land swap between the City and developer and will be located between mini-storage and apartments to the north, and single-family residences to the south, with no clear views of the Spokane River, similar to developments located to the east and to the west. Please see figures 1 and 2 for an example of what the approved path may look like.



Figure 1: Existing path similar to approved PUD location, west at Mill River between the Mill River wall and U.S. Bank, facing west.



Figure 2: Existing path similar to approved PUD location, west at Mill River between the Mill River wall and U.S. Bank, facing south toward the Spokane River.

This PUD amendment and associated applications intends to modify the approved PUD in the following ways:

- Apply the R-34 overlay through the Special Use Permit;
- Increase the maximum building height to 63' as allowed by the R-34 overlay;
- Remove the mini-storage;
- Replace the single-family residential units 30 feet tall set 40 feet back from the Spokane River with multifamily residential units at a height of 55 feet set 80 feet back from the Spokane River (see figure 3); and
- Increase the number of structures from 12 multifamily 4-story buildings, totaling 384 units, one clubhouse and 28 single-family units to 21 multifamily 4-story buildings, totaling 680 units, and one clubhouse.

Finally, we intend to alter the location of the proposed trail experience from its current location between buildings to a riverfront location walk to enhance the trail for future residents and pedestrians to tie directly into the waterfront trail that has already been constructed along the river to the east within the City-owned Atlas Mill site. This trail is intended to lie alongside the waterfront throughout the length of the project and not leave the water until it must tie in to the existing trail at Mill River to the west. Compare figures 1 and 2 with figures 5 and 6.

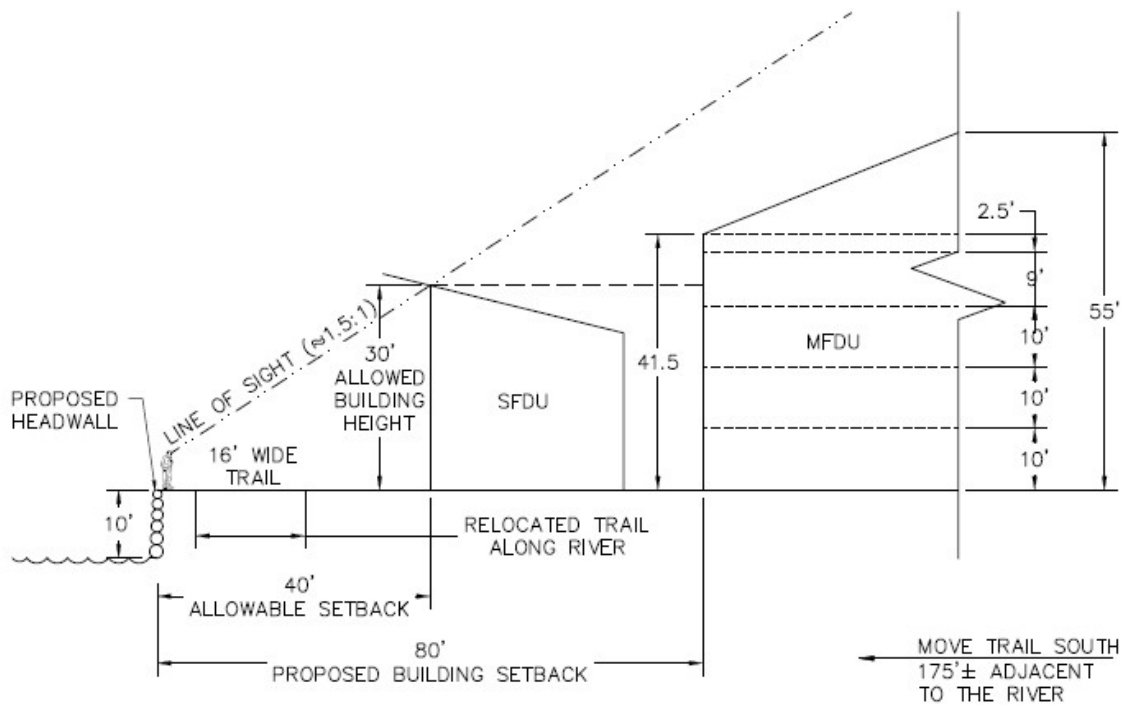


Figure 3: Diagram identifying field of view for 40' setback building at 30' height and 80' setback building at 55' height.



Figure 4: Riverside trail approximate location, trail would continue west as shown in Figure 5 (trees are shown at year 12) and Figure 6.



Figure 5: Path as proposed. River to the left and proposed buildings to the right. Trees are shown at year 12.



Figure 6: Path as proposed. River to the left and proposed buildings to the right. Trees are shown at year 12.

In order to utilize the property to its highest and best use, the following applications have been submitted as a part of this package:

- City of CDA – Zone Change Application from C-17, C-17PUD and R 12PUD to R-17 on all parcels except for C-0000-009-0250 (mini-storage)
- City of CDA – Special Use Permit Application to allow R-34 overlay
- City of CDA – Limited Design Planned Unit Development Amendment to modify the site plan and shoreline overlay

We believe that this ongoing project is a special opportunity to work with the City in the amendment of an existing PUD incorporating unique planning for both the river and the City's adjacent property to the east. This project intends to reinforce the City's intention to create a seamless transition from the shopping and living community, to the City Center, to and through the college running up to and through Riverstone, then on through the City's project and finally projecting that access and style to the west to the Mill River development. This site then would provide unique opportunities as the **last** substantial development opportunity along the Spokane River. We look forward to this challenge and the expectations of the City in developing this unique property and providing the spaces that will enhance the site and the City experience. As a part of this amended development, affordable housing will be included to further improve the City's position on being inexpensive, unlike the Atlas Mill site.

It is intended that this narrative will provide clarifications for the above noted applications as well as additional information that the applicant wishes the City to consider as this amended project moves through the City's process to an approval. Generally, while this narrative will be concerned with the Limited Design Planned Unit Development (LDPUD) application, narratives and discussions for the other noted applications are included which will give a general

description of the existing site and overall proposed intentions.

Location and Zoning Discussion

The area encompassed by the proposed subdivision and LDPUD lies on the south side of Seltice Way and occupies the westerly portion of the previously abandoned and demolished Atlas Mill site which was removed in 2004. North of the site across Seltice Way are commercial properties of various uses consistent with Kootenai County commercial zoning. To the east is the City of Coeur d' Alene Atlas Mill mixed use project site which is under construction, changing every day, with the first residents nearly ready to, or having already moved in. To the west of the site is the fully developed Mill River subdivision and a U.S. Bank, and to the south is the Spokane River.

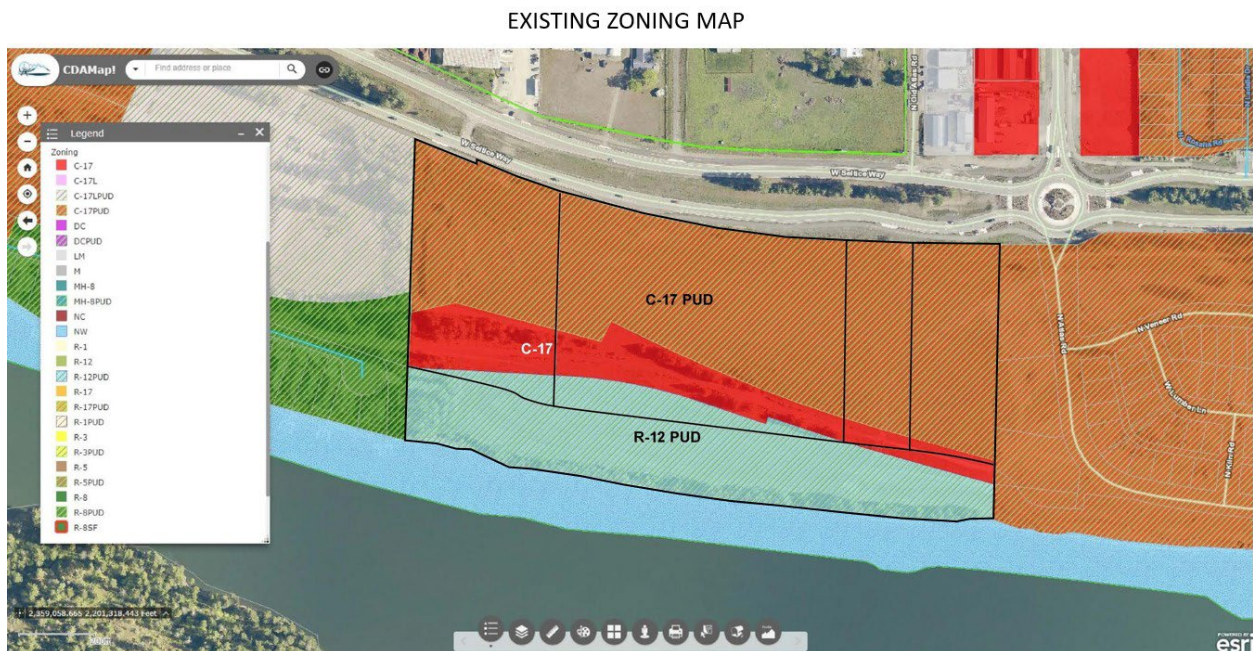


Figure 7: Existing zoning per zoning map.

- The northern section of the property is zoned C-17 PUD;
- The former rail corridor that bisected the site is zoned C-17 (subject of land swap and part of the joint application with the City); and
- The southern section of the property (adjacent to the river) is zoned R-12PUD.

Effectively, however, the mini-storage is confined to the entirety of the northeast parcel (C-0000-009-0250 which will remain C-17 with the R-34 and PUD overlay), which includes that section of property zoned under the City map as R-12PUD. As approved under the existing PUD, the R-12PUD-owned property is confined to the southmost parcel(C-0000-009-0200). Additionally, as the entirety of the site is under an approved PUD overlay(C-17PUD/R-12PUD), there is no C-17-zoned property within the site that is not within a PUD overlay. Please compare figures 7 and 8 to better understand the before and after of the previous action for a diagram of the zoning as approved by the existing PUD.

EFFECTIVE EXISTING ZONING MAP



Figure 8: Effective existing zoning.

As part of this application, all properties excluding the northwest parcel (the mini-storage parcel) will be rezoned to R-17 and the entire project will be modified to the requested R-34 Special Use Permit overlay as well as the Limited Design Planned Unit Development (LDPUD) overlay. As the northwest parcel is currently approved for mini-storage, it will remain under the C-17 zoning unless approved for the R-34 Special Use Permit to prevent a potential unauthorized or nonconforming use of the property. See figure 9.

Specifically, the purpose of the application is to provide for infill redevelopment of a previously blighted industrial area within the City, thus fulfilling the obligations agreed to in the annexation agreement.

Zone Change Application

The zone change application is intended to request a change in zoning from R-12PUD, C-17 and C-17PUD to R-17 for four of the five parcels on the project site. Please see the attached plans and figure 9 for clarification. This zone change is requested to facilitate the implementation of the Special Use Permit Application which would allow the entire project site to be developed as an R-34 Residentially zoned property. Therefore, this zone change request should be considered complimentary to the proposed Special Use Permit Application, enclosed.

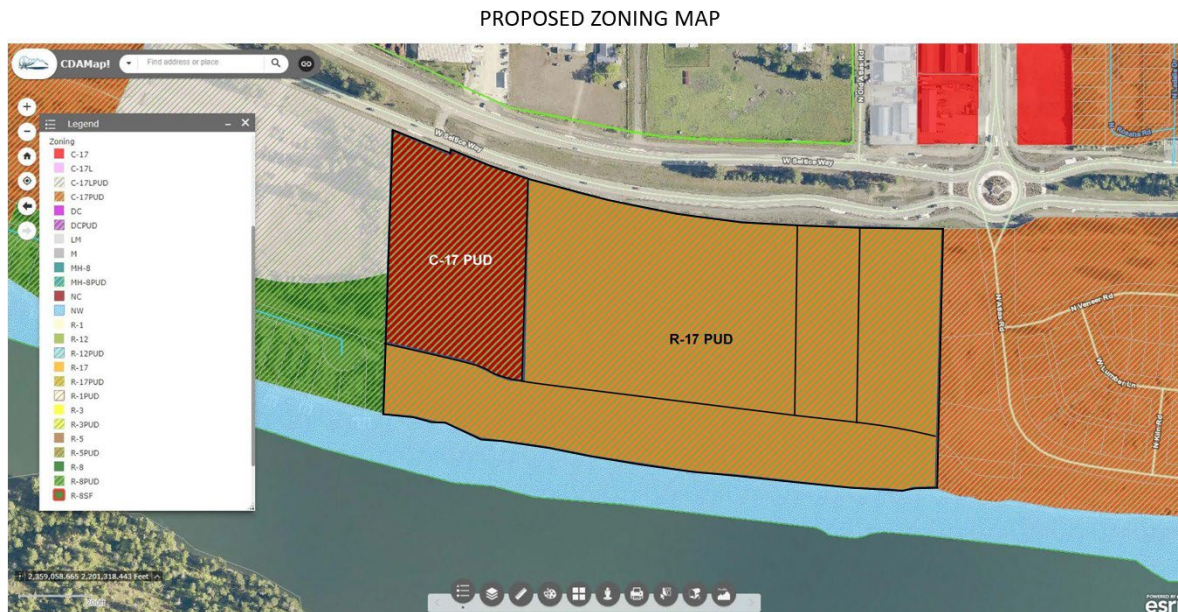


Figure 9: Proposed Zone Change to R-17 PUD.

Special Use Permit Application

As allowed by section 17.09.410 of the City Code, a zone change request may be carried out simultaneously with the plan unit development procedures. The zone change and special use permit applications require the applicant to justify the zoning requests. That justification must address conformance to the 2022 Comprehensive Plan, compatibility to adjacent uses, and availability of public infrastructure and is as follows:

This special use permit is intended to provide a request for the following special uses and site designs, to prepare for a better built environment that will provide housing for all residents to enjoy the City's one true recreational resource: the Spokane River and Lake Coeur d'Alene.

- Request to allow R-17 Residentially zoned property to be developed to R-34 Residential densities.

The Special Use Permit criteria as noted in 17.09.220: are discussed as follows.

A. The Proposal is in conformance with the Comprehensive Plan

Please see Appendix A for a review of the Comprehensive Plan.

B. The design and planning of the site is compatible with the location, setting and existing uses on adjacent properties.

As shown on the attached exhibits, the site proposes the redevelopment of the westerly portion of the Atlas Mill site, a previously highly industrialized lumber resource property adjacent to the Spokane River. The Atlas site encompassed nearly the entire waterfront in this area, a reach of nearly 3,800 LF. The mill has since been removed for redevelopment. This portion of the Atlas Mill site along the river provides one of the only parcels adjacent to the river for such redevelopment. The other parcel is the City's parcel to the east which is located on the easterly portion of the Atlas Mill site. As a part of their redevelopment effort, the City has proposed a mixed-use urban village within their holdings, currently under construction. The westerly portion of the Atlas Mill Site, this site, is proposed for redevelopment into an urbanized residential village with public access adjacent to the river. We believe that the urbanized residential village, River's Edge, will adequately implement the R-34 zone as described in City code and in accordance with the Special Use Permit and ultimately the PUD Amendment.

Based upon the Mill River residential and office area to the west and the City's proposed mixed-use urban village we believe that this property developed to the style and density noted is ideally suited to be compatible with these adjacent properties.

C. The location, design and size of the proposal are such that the development will be adequately served by existing streets, public facilities and services.

The project site is as noted in the Location and Zoning preamble on page one. The site is currently served by a Major Arterial: Seltice Way. During the recent Seltice Way project, the City has constructed three access to this project for future use and considered the developed traffic from this proposal in their analysis. These accesses were placed in coordination with the site plans shown on the attached plan documents and will provide access to the proposed 680 units. The distribution of access is such that any impact to existing traffic will be minimized.

This project provided an extension of sewer to Atlas Mill. No lift station is required for this amended development.

The area's other public utility providers such as power, cable, gas or phone have indicated adequate capacity for this type, style and size of development.

SPECIAL USE PERMIT CODE ANALYSIS:

17.09.220: SPECIAL USE PERMIT CRITERIA:

A special use permit may be approved only if the proposal conforms to all of the following criteria, to the satisfaction of the commission:

A. The proposal is in conformance with the comprehensive plan.

Response:

See Appendix A for a review of the Comprehensive Plan.

B. The design and planning of the site is compatible with the location, setting and existing uses on adjacent properties.

Response:

The Seltice Way corridor currently consists of a mix of commercial and residential uses. The proximity to the commercial uses and location on an arterial make this site ideal for high density housing. The proximity to commercial uses/employment promotes the live-work ideal, and the waterfront location provides for recreational access to this coveted resource without taxing existing parks or public waterfront. The approval of this R-34 special use permit will also provide for a transition between the single family waterfront property to west and the commercial/ County industrial property to the east and north. As proposed, we believe that this amended project will not only enhance a blighted area, but will provide the citizens of the City of Coeur d'Alene with a unique and health centric living choice

C. The location, design, and size of the proposal are such that the development will be adequately served by existing streets, public facilities and services. (Ord. 3059 §5, 2002: Ord. 1691 §1(part), 1982)

Response:

Seltice Way is considered an arterial and has adequate capacity to serve the proposed development amendment. Improvements to Seltice Way as part of the City's capital improvement plan were completed and have increased capacity. Park impacts will be mitigated by the creation of 5.02 acres of public and private open space, the majority of which consists of the 1600-foot-long greenbelt along the waterfront. Water and sewer infrastructure improvements/extensions will also mitigate any impact to those facilities.

Article VII. R-34 RESIDENTIAL

17.05.330: GENERALLY:

A. The R-34 district is intended as a high density residential district, permitting thirty four (34) units per gross acre that the city has the option of granting, through the special use permit procedure, to any property zoned R-17, C-17, C-17L or LM. This designation is only allowed through the special use permit and is not a stand-alone zoning district. To warrant consideration, the property must in addition to having the R-17, C-17, C-17L or LM designation meet the following requirements:

1. Be in close proximity to an arterial, as defined in the Coeur d'Alene transportation plan (KMPO's current Metropolitan Transportation Plan), sufficient to handle the amount of traffic generated by the request in addition to that of the surrounding neighborhood; and the project and accessing street must be designed in such a way so as to minimize vehicular traffic through adjacent residential neighborhoods.
2. Be in close proximity to shopping, schools and park areas (if it is an adult only apartment complex proximity to schools and parks is not required).

Response:

The site is currently zoned R-12PUD, C-17 and/or C-17PUD, and upon approval of the above zone change request, the entirety of the site will be zoned R-17 or C-17PUD. The site fronts on Seltice Way, which is an arterial, and will access from Seltice Way only. As a result, there will be no vehicular traffic from this amended development traveling through adjacent residential neighborhoods. Additionally, the site is within a mile of the Riverstone shopping hub and park, and the 5.02 acres of onsite public and private open space will be available for recreation as well.

B. This district is appropriate as a transition between R-17 and commercial/industrial.

Response:

The approval of this district will provide for a transition between the residential property to the west and the commercial/industrial property to the north and east.

C. Single-family detached and duplex housing are not permitted in this district.

Response:

No single family or duplex housing is proposed.

D. Project review (chapter 17.07, article IV of this title) is required for all subdivisions and for all residential, civic, commercial, service and industry uses except residential uses for four (4) or fewer dwellings. (Ord. 3674 §3, 2021: Ord. 3268 §8, 2006: Ord. 2570 §1, 1993: Ord. 1691 §1(part), 1982)

Response:

Project review is expected as required.

17.05.340: PERMITTED USES; PRINCIPAL:

Principal permitted uses in an R-34 District shall be as follows:

Essential service.

Multiple-family housing.

Neighborhood recreation.

Public recreation. (Ord. 3560, 2017)

Response: As proposed, this ongoing project will utilize multi-family housing.

17.05.350: PERMITTED USES; ACCESSORY:

Accessory permitted uses in an R-34 District shall be as follows:

Accessory dwelling units.

Garage or carport (attached or detached).

Mailroom or common use room for multiple-family development.

Outside area or building for storage when incidental to the principal use.

Private recreation facility (enclosed or unenclosed). (Ord. 3560, 2017)

Response: As proposed, this amended project will utilize garages, and common use rooms (clubhouse), as well as a private recreation facility (clubhouse).

17.05.360: PERMITTED USES; SPECIAL USE PERMIT:

Permitted uses by special use permit in an R-34 District shall be as follows:

Automobile parking when the lot is adjoining at least one point of, intervening streets and alleys excluded, the establishment which it is to serve; this is not to be used for the parking of commercial vehicles.

Commercial recreation.

Community assembly.

Community education.

Convenience sales.

Four (4) unit per gross acre density increase.

Group dwelling - detached housing.

Hotel/motel.

Noncommercial kennel.

Religious assembly. (Ord. 3332 §15, 2008: Ord. 2049 §29, 1987: Ord. 1691 §1(part), 1982)

Response: Not applicable, none proposed.

17.05.370: SITE PERFORMANCE STANDARDS; MAXIMUM HEIGHT:
Maximum height requirements in an R-34 District shall be as follows:
MAXIMUM HEIGHT

Structure Type	Structure Location	
	In Buildable Area For Principal Facilities	In Rear Yard
Multiple-family and nonresidential structure	63 feet ¹	n/a
Accessory structure when part of the main structure	Shall be the same as the main structure.	n/a
Detached accessory building including garages and carports	32 feet ¹	With low or no slope roof: 14 feet With medium to high slope roof: 18 feet

Note:

1. Unless otherwise specified; 1 additional story may be permitted on hillside lots that slope down from the street.
 (Ord. 3299 §7, 2007: Ord. 3288 §31, 2007: Ord. 3268 §9 2006: Ord. 1958 §7, 1986: Ord. 1889 §15, 1985: Ord. 1691 §2(part), 1982)

Response: This amended project will meet structure maximum height limitations as proposed.

17.05.390: SITE PERFORMANCE STANDARDS; MINIMUM LOT:

Minimum lot requirements in an R-34 District shall be as follows:

- A. One thousand two hundred seventy five (1,275) square feet per unit for multiple-family at thirty four (34) units per acre. A four (4) unit gross acre density increase may be granted for each gross acre included in the development.

Response: This comment is noted. The amended project currently has 5 lots totaling 227,165.40, 402,690.42, 92,077.13, 129,024.72 and 272,685.60 SF and does not expect to further subdivide.

- B. All building lots must have seventy five feet (75') of frontage on a public street, unless an alternative is approved by the City through the normal subdivision procedure or unless the lot is nonconforming (see section 17.06.980 of this title). (Ord. 3560, 2017)

Response: This amended project will result in one final lot with at minimum 75' frontage on Seltice Way.

17.05.400: SITE PERFORMANCE STANDARDS; MINIMUM YARD:

Minimum yard requirements in an R-34 District shall be as follows:

- A. For multiple-family housing at thirty four (34) units per acre:

1. Front: The front yard requirement shall be twenty feet (20').
 2. Side, Interior: The interior side yard requirement shall be ten feet (10').
 3. Side, Street: The street side yard requirement shall be twenty feet (20').
 4. Rear: The rear yard requirement shall be twenty feet (20'). However, the required rear yard will be reduced by one-half (1/2) when adjacent to public open space (see section 17.06.480 of this title).
- B. Minimum distances between residential buildings on the same lot shall be determined by the currently adopted Building Code.
- C. There will be no permanent structures erected within the corner cutoff areas.
- D. Extensions into yards are permitted in accordance with section 17.06.495 of this title. (Ord. 3560, 2017)

Response: All setback and minimum yard requirements will be met.

PUD Amendment Application:

As required by the annexation agreement, the owner is submitting an LUPUD amendment in conjunction with the Special use Permit and Zone Change.

The intent of the LUPUD amendment is to facilitate the re-development of this 25.92-acre previous industrial lumber resource (mill) site into a unique waterfront apartment community. The proposal includes 21 apartment buildings, a single clubhouse building and buildings for 53 single story garages. The building envelopes are as depicted on the site plan and vary in height from 25' for the garages to a maximum of 63' for the multifamily buildings, which meets the maximum height requirements of the R-34 Zone. The proposal includes 1.52 acres of designated public open space, most of which is located on the waterfront, and 3.5 acres of common/private open space (not public) used for the enjoyment of the residents of this community for a total of nearly 19% open space. Setbacks, off street parking and loading areas, driveways, street requirements, pedestrian requirements, and the landscaping requirements of the code will conform to the existing zoning and design requirements of the R-34 zone.

There are two types of open space provided with this amended development: private and public open space. The common/private open space consists of approximately 3.5 acres of beautifully landscaped slopes with a number of amenities for the apartment dwellers. A 5,500-sf recreation building which houses a lounge and workout room opens to a fenced in pool with pergola covered BBQ pads and a large lounge area centralized for all residence in the complex. This main common/private open space corridor will vary in width from 115-feet to 150 feet with community gardens, a sports court, a 5' wide paved meandering path, picnic, BBQ and gathering areas with tables. There is a large fire pit proposed which extends into a large patio with tables at the same elevation as the riverfront buildings. Additional private open space has more gathering spaces, a tot lot, and community gardens throughout the property connected by the paved paths. These paths run throughout the site connecting residence to all amenities on site as well as the river and the east/west multi-path for additional offsite connectivity. The open space corridors have dry stream beds incorporated within their landscape environments which run down each

corridor leading the eye toward the river. To add some additional northwest beauty and screening between buildings will be implemented with the use of evergreen and deciduous trees, shrubs and grasses for a unique outdoor experience.

The public open space is located in the first 40 feet north from the Spokane River, this public open space will cover nearly 1.52 acres across the full length of property. The public has access using the east and west entrances to the proposed 16' wide paved multi use trail from the City's proposed mixed-use property and the Mill River trail connections. The 16' multi use trail meanders across this swath of land joining in four places to paved patios with tables and chairs providing access to the vista viewpoints. These public patios will have access the Spokane River by stairs off of each patio. The bottom of the stairs is proposed to be constructed at summer pool level of the Spokane River so as to put visitors right at the summer river level

At this time, the public open space is proposing to save a cluster of nine existing trees which are currently adjacent to the proposed multi-use path elevation that we determined could be kept without the potential for future loss.

As the site consists of a redevelopment of an industrial site, some restoration will be needed, especially along the shoreline, in order to make the waterfront public open space suitable for recreation. This restoration will include filling, grading, bulkhead replacement, bank stabilization, revegetation, and all the amenities discussed earlier for the public open space.

In order to achieve the purposes of the provisions of the LDPUD regulations, the following standards will be modified:

1. In order to develop the property to the plan and style shown, we propose to construct residential buildings within the 150' shoreline setback. The existing R-12 PUD allows for single family dwelling units set back 40' from the shoreline at a max height of 30'. We propose to increase the existing setback requirement to 80' and increase the maximum height of the multi-family dwelling units to 55'. These buildings are shown adjacent to and setback from the public river access, therefore this requirement needs to be modified.
2. In order to develop the property to the plan and style shown, we propose to construct the public open space adjacent to the shoreline within the City's 40' shoreline prohibited construction zone, therefore this requirement would need to be waived.
3. In order to develop the property to the plan and style shown, we propose to incorporate boat docks into the plan per the allowance along the project frontage. To that end, we will need ramp and connection concurrence from the City in this regard.

Under our understanding of the Coeur d' Alene municipal code section 17.07.245.A.1. *Any provision pertaining to site performance standards including, but not limited to, height, bulk, setback or maximum dimensions of any facility*, a variance application is not required for the modification to the shoreline ordinance, as a PUD Amendment is in itself a variance application. For clarification, we have included responses to applicable sections of the municipal code that relate to shorelines and to a variance application.

PUD CODE ANALYSIS:

The purpose of this section is to furnish clarification for all concerns within the PUD Code by stating the code and stating how this application meets the code in *italics*.

17.07.235: PUBLIC SERVICES AND MAINTENANCE OF OPEN SPACE:

The planning commission or the city council may, as a condition of approval of planned unit developments, require that suitable areas for schools, parks, or playgrounds be set aside, and negotiated for public use, or be permanently reserved for the owners, residents, employees, or patrons of the development. Whenever private common open space is provided, the commission or the city council may require that an association of owners or tenants be created and incorporated for the purpose of maintaining such open space. The association shall be created in such a manner that owners of property shall automatically be members and shall be subject to assessments levied to maintain said open space for the purposes intended. The period of existence of such association shall be perpetual unless a majority vote of the members and consent of the city council shall terminate it. (Ord. 2368 §6, 1991: Ord. 1691 §1(part), 1982)

Response: A 40-foot width north of Spokane River is proposed to be public open space as outlined above with river access for the public in addition to the residents of the amended development, provided by this proposal. This public open space will be owned and maintained in perpetuity by the property owner as described in this section to guarantee that it remains a positive entity for the residents as well as the citizens of Coeur d'Alene. Please see the attached documentation for clarity in scope of the improvements proposed.

17.07.240: PERFORMANCE BONDS:

The planning commission or the city council may, as a condition of approval of planned unit developments or limited design planned unit developments, require the applicant to enter into a contract with the city to install the required public improvements in the development within three (3) years of the date of public hearing for a planned unit development or in the case of a limited design planned unit development, three (3) years from the date of application for a building permit. The applicant shall furnish a performance bond or other sufficient security acceptable to the city for the installation. The director of planning may extend the completion date for additional six (6) month periods upon written request from the applicant. (Ord. 3127 §13, 2003: Ord. 2934 §56, 1999: Ord. 2368 §7, 1991: Ord. 1691 §1(part), 1982)

Response: A performance bond for installation of improvements will not be provided for this proposal. All required public improvements will be installed as conditioned within the required time frames.

17.07.245: DEVELOPMENT STANDARDS:

The maximum allowable density for planned unit developments and limited design planned unit developments shall be based on the overall gross deeded land area, and shall be equal to or less than the overall density and density bonuses permitted by the applicable zoning district in which the planned unit development is proposed. In order to achieve the purposes of these provisions, the following standards may be modified:

A. Limited Design Planned Unit Development:

1. Any provision pertaining to site performance standards including, but not limited to, height, bulk, setback or maximum dimensions of any facility.

Response: A maximum building height of 63 feet is proposed. As allowed, we propose the 150' shoreline setback be revised to an 80-foot building separation and shoreline setback due to years of logging activity. We also would like the 40-foot shoreline prohibited construction zone to allow to this strip be used as public open space with amenities previously discussed and a sea wall. See the Special Use Site Plan as well as the other attachments.

2. Any provision establishing buffering, landscaping or other similar requirements pertaining to site design.

Response: Construction and remediation within 40 feet of the shoreline is proposed, also known as the public open space. Coordination with the City of Coeur d'Alene to develop a public open space and river access along the project shoreline will be coordinated and provided per the L.O.U. between the City and the application. The Special Use Site Plan shows the multi-use 16' trail and patio locations with docks. Please see the Landscape Plan for existing tree restoration and plantings on the trail elevation and native plantings below the sea wall to buffer and naturalize the Spokane River. These plantings are to encourage more growth of native plants for the health of the river.

B. Planned Unit Development:

1. Any provision pertaining to site performance standards including, but not limited to, height, bulk, setback or maximum dimensions of any facility.

Response: Increase the maximum building height to 63' on site. All modified site performance standards are as shown on the attached exhibits or as discussed within this narrative.

2. Any provision establishing buffering, landscaping or other similar requirements pertaining to site design.

Response: The site is buffered by proposed trees along Seltice Way and a required 5' buffer on the west and east perimeters with plantings suitable in this space. This amended project will provide both vehicular and pedestrian access into the site via Seltice Way. Public access through the site enters the site near the river connecting to existing and proposed multi-use trails. Please see the Conceptual Landscape Plan for more information.

3. Any provision pertaining to the minimum or maximum dimensions of any lot(s).

Response: The updated project meets dimension requirements with buildings rising up to a maximum height of 63 feet and allowing for 2 car parks for each unit by the use of above ground parking. Please see the attached exhibits.

4. Any provision pertaining to the type of facility allowed (i.e., multi-family residential versus single-family detached).

Response: At this time, we are proposing that there be no provision pertaining to the type of facility allowed or limitations beyond the plan presented.

5. Any provision pertaining to sign regulations.

Response: All signage will meet City Code with pedestrian lighting.

6. Any provision in titles 12 and 16 of this code regarding streets and sidewalks.

Response: All streets and sidewalks will meet City Codes without additional provisions.

7. Any provision pertaining to off street parking and loading except that required parking spaces shall be located within two hundred feet (200') of the building containing the living units. (Ord. 2415 §2, 1991: Ord. 2368 §8, 1991: Ord. 2348 §3, 1991: Ord. 1691 §1(part), 1982)

Response: All parking will meet City Code through the use of above ground parking. Please see attached documents for reference.

17.07.250: DISTRIBUTION OF IMPROVEMENTS WITHOUT REFERENCE TO LOT OR BLOCK LINES:

All improvements for planned unit developments and limited design planned unit developments including off street parking and loading spaces, usable open space, and landscaping, buffering and screening may be located within the development without reference to the lot lines or blocks, except that required parking spaces serving residential activities shall be located within two hundred feet (200') of the building containing the living units served. (Ord. 2368 §9, 1991: Ord. 1691 §1(part), 1982)

Response: All improvements will conform to this section as required. Please see attached documents for reference.

**17.07.275: LIMITED DESIGN PLANNED UNIT DEVELOPMENT REVIEW
CRITERIA:**

A limited design planned unit development may be approved only if the proposal conforms to the following criteria to the satisfaction of the planning commission:

- A. The proposal produces a functional, enduring and desirable environment.

Response:

The purpose of this proposal is to provide for a unique apartment living community. Approval of this limited design PUD Amendment will allow for construction of Coeur d'Alene's only true waterfront apartment community, complete with approximately 1,600 feet of riverfront and those associated amenities. This amended project proposes to work in harmony with the City and extend public water. As such, this property will become a functional, enduring, and desirable community for Coeur d'Alene's residents. Additionally, this amended development fills a visible hole in the City's and Ignite's River District Plan and compliments the city's own development proposal adjacent to and directly to the east, known as the City's Atlas Waterfront Project. This updated project would then provide the larger apartment community to supplement the proposed 'Neighborhood Retail' area on the Atlas site's westerly side. Please see attached documents for reference.

- B. The proposal is consistent with the City Comprehensive Plan.

Response:

See Appendix A for a review of the Comprehensive Plan.

- C. The building envelopes are compatible with or sufficiently buffered from uses on adjacent properties. Design elements that may be considered include: building heights and bulk, off street parking, open space, privacy and landscaping.

Response:

The commercial properties located to the north of this property are buffered from any impact by the 140-180' wide Seltice Way right of way. The property to the west consists of the US bank call center and riverfront single family housing in the Mill River subdivision. The building envelopes are set back approximately 80 feet from the call center property, and the adjacent riverfront single family houses are located adjacent to the 80' wide riverside greenbelt. There is no anticipated impact to the vacant property to the east which is now the subject of the City's Atlas Mill Redevelopment project and for which we are or will be compatible use. Additionally, the design and planning of the site mimics that of the Mill River project located adjacent to the western boundary of the subject property in-so-much that residential uses span from the waterfront to Seltice

Way. Properties across Seltice Way are commercial in nature, which is compatible and fitting with the proposed PUD Amendment. The influx of residents to this area will bring within it the financial surety to promote redevelopment of these properties.

- D. The proposal is compatible with natural features of the site and adjoining properties. Natural features to be considered include: topography, native vegetation, wildlife habitats, and watercourses.

Response:

The proposed PUD Amendment will utilize the natural features of the site, providing for a 80' building setback from the water. Generally speaking, the site slopes gently from the Seltice Way towards the river and the only grading proposed will be that associated with creating building pads, associated parking and access. Additionally, the riverside greenbelt will be graded in such a manner so as to make it better accessible and useable for open space and recreation. As that area exists today, it still bears the scars left from nearly 100 years as an active mill site, thus the need for grading and other improvement. As mentioned above, the character of the development mimics the adjoining properties, and the development of the proposed PUD Amendment will result in the rejuvenation of an industrial site into a vibrant and unique waterfront neighborhood.

- E. The proposal provides adequate private common open space area, as determined by the commission, no less than ten percent (10%) of gross land area, free of buildings, streets, driveways or parking areas. The common open space shall be accessible to all users of the development and usable for open space and recreational purposes.

Response:

As proposed, we've provided 3.5 acres (approximately 14%) of private recreational open space available and accessible to all users of the development amendment. That open space consists of an 80' wide riverside greenbelt reminiscent of the one adjacent to the Dike Road at the NIC campus. Connecting greenspace corridors and landscape areas connect each one of the buildings to the riverside greenbelt, thus providing pedestrian accessibility to approximately 1600 feet of waterfront.

- F. The location, design, and size of the proposed building envelope is such that the traffic generated by the development can be accommodated safely on minor arterials and collector streets, and without requiring unnecessary utilization of other residential streets.

Response:

The design of the proposed PUD is such that it can be adequately served by Seltice Way, which is considered an Arterial under the City's transportation master plan. There will be three stop-controlled right in/right out accesses access points to Seltice Way. The 16' multi-use trail system will be designed with for east west travel between the Atlas Mill redevelopment and Mill River.

G. The proposed setbacks provide:

1. Sufficient emergency vehicle access.
2. That neighborhood character will be protected by adequate buffering.
3. For maintenance of any wall exterior from the development's property.

Response:

The site building envelopes are situated such that there is adequate access per fire code having drive aisles within 40 feet of all buildings. As described above, the setbacks are such that all adjacent uses are sufficiently buffered with setbacks well above those required by code. As such, all exterior wall maintenance can be adequately accomplished from within the boundaries of the site.

H. The proposed building envelopes will provide for adequate sunlight, fresh air and usable open space.

Response:

The site building envelopes have one full side which provides for unique private open space experience with beautifully landscaped corridors running north and south through the site down accessing the public open space adjacent to the river. These corridors are each unique with a variety of amenities of BBQ pads, community gardens, a sport court, tot lot and dry steam bed landscaped to enhance view to and from buildings. Meandering paths take one to any of the apartments, recreation building, lounge area and pool. Open space abounds this site allowing for needed sunlight in the open spaces. In addition to the 3.5 acres of recreational open space described above, there is an additional 1.52 acres of public open space associated with this amended development. The result is approximately 19% of the site consists of open space and landscape corridors, providing more than adequate sunlight, fresh air, and usable recreational open space.

IIA. SHORELINE REGULATIONS

17.08.205: TITLE, PURPOSE AND APPLICABILITY:

- A. The provisions of this article shall be known as SHORELINE REGULATIONS.
- B. It is the purpose of these provisions to protect, preserve and enhance visual resources and public access of the Coeur d'Alene shoreline, as defined herein, by establishing certain limitations and restrictions on specifically defined shoreline property located within the city limits.
- C. The provisions of this article do not apply to:
 1. The Coeur d'Alene municipal wastewater treatment plant; and
 2. Other facilities or structures on city owned property intended to provide or secure physical or visual access to the shoreline. (Ord. 3452, 2012)

Response:

By increasing the building setback from 40' to 80' and increasing the building height within the setback from 30' to 55', the public will maintain a greater field of vision from the shoreline

through the development. Please see figure 3.

By allowing the development of a publicly available path adjacent to the riverside, the public will be granted access to and full enjoyment of the Spokane River along the available frontage.

17.08.230: HEIGHT LIMITS AND YARD REQUIREMENTS:

A. For shoreline properties located east of Seventh Street and more than one hundred fifty feet (150') west of First Street and then northeasterly to River Avenue, the following shall apply:

1. New structures may be erected provided that the height is not greater than twenty feet (20').
2. Minimum yards shall be provided as prescribed in the applicable zoning district.
3. Notwithstanding the foregoing for shoreline properties located north of West Lakeshore Drive between Park Drive and Hubbard Avenue, new structures may be erected provided the height is not greater than that provided in the underlying zoning district.

B. For shoreline properties located between one hundred fifty feet (150') west of First Street easterly to Seventh Street and shoreline properties located northerly from River Avenue, the following shall apply:

1. New structures may be erected provided that the height is not greater than thirty feet (30').
2. There shall be a minimum side yard equal to twenty percent (20%) of the average width of the lot. (Ord. 3452, 2012)

Response:

This variance application proposes to increase the 40' prohibited construction area for the proposed apartment units to 80' and increase the allowed height of the buildings from 30' (as the property is north of the River Avenue alignment) to 55'.

17.08.245: PROHIBITED CONSTRUCTION:

Construction within forty feet (40') of the shoreline shall be prohibited except as provided for in section 17.08.250 of this chapter. (Ord. 1722 §2(part), 1982)

Response:

New sidewalks are not allowed in section 17.08.250. In order to construct the riverside path, a variance is required for this section of the code.

ANNEXATION AGREEMENT REQUIREMENTS:

The purpose of this section is to provide documentation showing that the requirements of the annexation agreement for the subject property have been met with this submittal. Below is a point by point response to all of the applicable requirements of the annexation agreement.

- 3.1: Water and Sewer: The Owner agrees to use the City's domestic water and sanitary sewer services for the Property after development. Owner agrees to comply with the City's Water

and Wastewater plans and policies in designing and constructing water and sewer systems to service any development of the Property.

The proposed PUD and subdivision provide for use and extension of City water and sewer in accordance with the City's Water and Wastewater plans. To date, water and sewer extensions between Mill River and the City's Atlas Mill project have been installed and accepted as agreed to.

- 3.2: Maintenance of Private Sanitary Sewer and Water Lines: The City shall not be responsible for maintenance of any private sanitary sewer lines or water lines including appurtenances, within the Owner's developments on the Property.

All public sewer and water mains will either be located within rights of way or within public utility easements in accordance with City policy. The City will not be responsible for maintenance of private water or sewer lines.

- 3.3: Water Rights: Prior to the issuance of any building permit for construction on the Property, recordation of any plat on the Property or any other transfer of an ownership interest in the Property, the Owner will grant to the City, by warranty deed in a format acceptable to the City, all water rights associated with the property including, but not limited to right #95-4597. The parties expressly agree that the owner is conveying the water rights to the City so that the City will have adequate water rights to ensure that the City can provide domestic water service to the property.

All water rights were transferred prior to the applicant purchasing the property.

SECTION V: PLANNING AND DESIGN OF PROPERTY

- 5.1: Planning and Design of the Property: Owner desires to further develop the Property and agrees to complete a master plan of the Property prior to any further development of the Property. In developing the master plan, the Owner agrees to accommodate and incorporate the following elements:

- a. Permanent Trail Routes: Develop a permanent route for pedestrian/bicycle trail, not less than sixteen feet (16') wide, across the southerly 7.14-acre parcel in a location that the City determines will allow for extension of the trail to the east and west. Alternatively, the Owner can locate the trail route on the adjacent abandoned railroad right of way if the Owner can obtain the necessary legal rights to do so and if the location on the abandoned railroad right of way allows for extension of the trail to the east and west.

Response: In order to maximize the open space available, the updated project proposes to construct a 16' paved multi-use trail which will be located within the 40' shoreline prohibited construction zone adjacent to the river. We plan to do construction in this zone to facilitate public open space and to provide improved access to the river. The objective is to save as many trees as we can. It turns out there is one area of 9 good sized evergreens which can be saved to do the elevations

planned for the trail. There will be native planting at the summer water elevation. See the landscape plan.

- b. Public Access to Spokane River: Design and provide open space and/or other public access to the Spokane River.

Response: The previous approval only provided 2 each 60' wide accesses without connectivity to the Atlas path/trail This revised proposal includes the first 40 feet of the site adjacent to the river as public open space where a 16-foot paved multi-use trail and other amenities will be available for public use between the Atlas site and Mill River trails.

- c. Signalized Intersection at Atlas Road and Seltice Way: Design and construct, including any real property acquisition, a signalized intersection at Atlas Road and Seltice Way to serve as the main entrance into the Property.

The City has abandoned the concept of a signalized intersection at this location and has gone forward with the design and construction of a two lane roundabout instead. In order to serve this property, the applicant will construct three access points along the frontage, each of which will be right in/right out stop-controlled intersection.

- c. Connection to the River: The site design objectives shall include an emphasis on connection to the water. This shall include open views toward the river from public rights of way.

The site design emphasizes access and connection to the water from the public and private pedestrian multi-use trail system. Views and vistas from Seltice Way of the water are generally impractical due to topography, but views from the riverside open space tract will be available.

- d. Compatibility with Surrounding Uses: Design the site to be compatible with surrounding existing uses in the City.

The site is designed such that it mimics existing adjacent uses within the City both east and west.

- e. Street Trees: Placement and planting of street trees in accordance with City policies and standards.

The proposed development amendment includes planting of street trees in accordance with City policies and standards. Seltice Way will have a plethora of evergreen trees for street tree use and buffering the view on site, see attached exhibits 5 and 6 to see what the completed and mature views will be.

- f. Seltice Way Frontage Improvements: Design and construct street frontage improvements along the Property's Seltice Way frontage including but not limited to curbing, paving, drainage facilities, sidewalks and lighting.

These items are complete.

5.2: Limited Design Planned Unit Development: The Owner agrees to submit the master plan required by this Section to the City for approval as a Limited Design Planned Unit Development ("LDPUD") no later than two (2) years after the publication of the annexation ordinance for the Property. The Owner will also submit at that time any other necessary land use applications, such as zone changes or preliminary subdivision plats necessary to implement the master plan.

This item has been met.

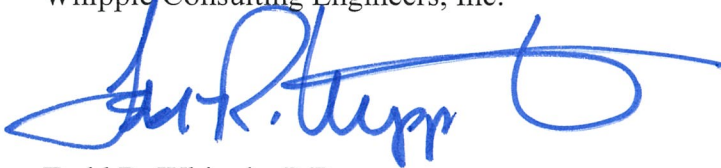
5.3: No Construction until Approval: The Owner agrees that they will not further develop the Property or seek any development approval for the Property until the PUD has been approved by the City. The Owner further waives any and all claims against the City for not processing any applications for development of the Property submitted to the City in violation of this Agreement.

Response: Because of the previous PUD approval, this condition has been met.

Conclusion:

We appreciate the opportunity to make this request for this Zone Change, Special Use Permit, and Limited Design PUD and request approval as presented. Should you have any questions, please feel free to contact us at (509) 893-2617.

Sincerely,
Whipple Consulting Engineers, Inc.



Todd R. Whipple, P.E.
President

Enclosures: as Noted

Cc: Owner, Lanzce Douglass
File

Appendix A: Comprehensive Plan Review

The City's 2022-2042 Comprehensive Plan places the subject property within the Spokane River District with a land use designation of Planned Development. This District is envisioned to consist of mixed-use neighborhoods consisting of housing and commercial retail and service activities that embrace the aesthetics of the proximity to the Spokane River. Within this district, the comprehensive plan states that pockets of denser housing are appropriate and encouraged, and that the scale of the amended development will be urban in nature, promoting multi-modal connectivity to the downtown core.

In order to achieve the desired development patterns within each district, the Comprehensive Plan identifies six areas of emphasis comprised of goals and objectives: community and identity; education and learning; environment and recreation; growth and development; health and safety; and jobs and economy. This project proposes to implement the following goals and policies:

Goal CI 2: Maintain a high quality of life for residents and businesses that make Coeur d'Alene a great place to live and visit.

Objective CI 2.1: Maintain the community's friendly, welcoming atmosphere and its smalltown feel.

These objectives will be fulfilled as the site develops. The development of the site will re-develop and enhance a blighted part of our community; provide high quality infill residential housing; and provide opportunity for many Coeur d'Alene residents to enjoy the unique qualities of living in a waterfront apartment community. Infrastructure to support this development is already in place and will be enhanced as development progresses. The site fronts directly on Seltice Way, which is an arterial and is therefore the most appropriate type of street for high density residential development.

The proposed PUD amendment will provide for continuity and support existing riverfront development, thus meeting the goals for maintaining compatible land uses adjacent to existing neighborhoods. The riverfront housing will add a quality riverfront neighborhood to the city's rental landscape.

Goal ER 1: Preserve and enhance the beauty and health of Coeur d'Alene's natural environment.

Objective ER 1.1: Manage shoreline development to address stormwater management and improve water quality.

Goal ER 2: Provide diverse recreation options.

Objective ER 2.2: Encourage publicly-owned and/or private recreation facilities for citizens of all ages. This includes sports fields and facilities (both outdoor and indoor), hiking and biking pathways, open space, passive recreation, and water access for people and motorized and non-motorized watercraft.

As a part of our amended project, we propose to include the public by providing public open

space adjacent to the river, similar to, but far more landscaped than at the Atlas Mill site while preserving the beauty of the Spokane River. The continued development of this amended project on the westerly portion of the Atlas Mill site will additionally provide for an urban extension from Riverstone to Mill River suburban transitional environment that will maintain the qualities that make Coeur d' Alene great by providing walking and biking paths, access to the river as well as other natural features. Visitors to the public open spaces will be able to enjoy natural vistas such as the Spokane River, Lake Coeur d' Alene and mountains to the south and continue to experience the great natural environment that makes Coeur d' Alene a great place to live, work and recreate.

Goal GD 2: Ensure appropriate, high-quality infrastructure to accommodate community needs and future growth.

Objective GD 2.1: Ensure appropriate, high-quality infrastructure to accommodate growth and redevelopment.

Sewer: An existing 10" diameter gravity sewer line of adequate depth and capacity is located in Shoreview Lane to the west of the property, which has to date been extended east to the Atlas Mill Subdivision.

Water: An existing City water main is located in Seltice Way and in Shoreview Lane. These mains are of adequate size and pressure to serve the proposed development. Development as proposed has provided for an extension of new mains from the existing mains across the site to provide adequate fire and domestic flows which to date has been extended east to the Atlas Mill Subdivision.

Goal GD 3: Support the development of a multimodal transportation system for all users.

Objective GD 3.1: Provide accessible, safe, and efficient traffic circulation for motorized, bicycle and pedestrian modes of transportation.

This unique proposal to amend the previous approval to provide for waterfront apartment development will provide housing within comfortable walking/biking distances to commercial and recreational nodes such as Riverstone, the Kroc Center, the Centennial Trail and the proposed Atlas site. Any commercial development of C-17 zoned properties adjacent to Seltice Way will provide live/work employment opportunities for the adjoining properties.

Goal JE 1: Retain, grow and attract businesses.

Objective JE 1.2: Foster a pro-business culture that supports economic growth

*The continued and amended development of the westerly portion of the Atlas Mill site will provide for additional economic vitality by bringing construction jobs to the immediate area of downtown and then upon occupancy provide for the economic impact of an additional 1,156 (680*1.7) residents to the downtown core and city's proposed mixed-use community directly to the east. The total construction and development costs for this amended project will exceed \$140 million dollars with the direct yearly economic contribution from new residents within this urban*

residential development of \$17 million to \$20 million dollars spent within the immediate confines of the project area on local services and goods.

Recreation and Natural Areas: Shorelines

The comprehensive plan makes public access to the river and lake shorelines a priority. In order to accomplish that goal, we have provided for creation of an 80-foot-wide open space along the entire 1,600+/- feet of river frontage. The first 40' of open space from the river is public which include a 16' wide multi-use paved trail connectivity and will be graded, landscaped with access to the river. The remaining 40' is private open space within the 80' wide open space which provides for a maximized view corridor as required in the annexation agreement.

Floodplain:

The property south of the rail corridor lies within the Shoreline Overlay and within a flood hazard area. Historical heavy industrial activities along the shoreline associated with the mill operations has left much of the property within the shoreline overlay in poor condition. Shoreline erosion due to boat caused wave action and dilapidated bulkheads is problematic, and needs to be remedied. To that end, the owner is proposing to engage in grading operations along the shoreline so as to reshape and stabilize the area adjacent to the river. The result will be building envelopes located above base flood elevations and gentle slopes from the building envelopes to the river's edge. The slopes and shoreline will be stabilized and landscaped in such a way as to ensure future stabilized shoreline.

Lastly, it is the intent of this project amendment to implement as much as practicable the Spokane River District Land Use guidance while still meeting the goals of the development team. Now that the mills are gone and vistas reestablished, we agree that following characteristics should be incorporated where possible and we believe we have incorporated these in our plan. See the included exhibits for more information. Specific goals of the Spokane River District Land Use which are or will be incorporated are noted below.

- Public Access to the river will be provided.
- This amended project ensures that the River District Land Use goal of 10 to 16 du/ac will be met. The updated project proposes a density of approximately 27 du/ac which balances the Mill River 1st Addition and Atlas Waterfront First Addition subdivisions.
- Open space: 10% minimum space of the amended project will include a combination of public and private open spaces, with the public open space being located directly adjacent to the Spokane River. This space will include meeting and gathering spaces, river and vista viewpoints, river access, limited beach and water areas, multi-use path between the City's project to the east and the Mill River path system to the west.
- The scale of the amended project as can be seen from the project elevations is a residential apartment community which by its very nature is urban/suburban in nature, but less intense than multi-story residential buildings near the City park and the downtown core.
- The scale of development will be less intense than that observed in the downtown core and

the multi-story residential buildings where the lack of view corridors and open space is evident by its highly urbanized nature.

- Access to the City's constructed mixed-use area as well as to trails, sidewalks and road access to the Riverstone and downtown shopping areas will be available and convenient.
- The amended project will have access via three previously constructed approaches to Seltice Way, these accesses were constructed as a part of the City's Atlas and Seltice project. This connectivity will provide ease of access to a major arterial for intra and inter area travel.
- A Traffic Impact Analysis has been included as a part of this submittal.
- As provided for in the attached project application material, we have attempted to keep as many large and mature trees along the river that could be maintained. In addition, we are proposing an extensive planting plan for the public and private open space with a combination of trees that will provide a mixed canopy of deciduous and evergreen trees in varying heights, textures and colors. Additionally, in the private open spaces and the entry to the site from the public open space, perennial and annual planting will be provided to enhance the spring through fall color palettes.

A review of the City's Comprehensive plan in its entirety would lead one to believe that this amended project from its inception used the City's document as our guide for development within the City of Coeur d' Alene. Specifically, we would encourage the reader to review the City's "Special Areas" discussion regarding the Atlas Waterfront in the City's Comprehensive Plan to understand the objectives of this development as it relates to making the river and its shorelines available to the public with no unreasonable restrictions on use, providing scale so that all residents of the proposed development can enjoy the resource that the river is and that the public access provides pedestrian and bicycle connectivity to the City's project to the east and the Mill River site to the west.

**COEUR D'ALENE PLANNING COMMISSION
FINDINGS AND ORDER**

SP-4-22

A. INTRODUCTION

This matter having come before the Planning Commission on December 13, 2022 , and there being present a person requesting approval of ITEM: SP-4-22 a Food and Beverage Off-Site Consumption Special Use Permit in C-17L(Commercial Limited at 17 units/acre) the zoning district.

APPLICANT: TRAVIS WHITE

LOCATION: A +/- .49 ACRE PARCEL LOCATED AT 1114 W. IRONWOOD, FORMALLY MEDICINE MAN PHARMACY

B. FINDINGS: JUSTIFICATION FOR THE DECISION/CRITERIA, STANDARDS AND FACTS RELIED UPON

The Planning Commission (adopts) (does not adopt) Items B1 to B7.

- B1. That the existing land uses are medical, commercial and public offices.
- B2. That the Comprehensive Plan Map Designation Employment Center.
- B3. That the zoning is C-17L .
- B4. That the notice of public hearing was published on, November 19, 2022 , which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on December 4, 2022 , which fulfills the proper legal requirement.
- B6. That the notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property.
- B7. That public testimony was heard on December 13, 2022 .

B8. Pursuant to Section 17.09.220, Special Use Permit Criteria, a special use permit may be approved only if the proposal conforms to all of the following criteria to the satisfaction of the Planning Commission:

B8A. The proposal **(is) (is not)** in conformance with the comprehensive plan, as follows:

Community & Identity

Goal CI 1: Coeur d'Alene citizens are well informed, responsive, and involved in community discussions.

Objective CI 1.1: Foster broad-based and inclusive community involvement for actions affecting businesses and residents to promote community unity and involvement.

Goal CI 2: Maintain a high quality of life for residents and businesses that make Coeur d'Alene a great place to live and visit.

Objective CI 2.1 Maintain the community's friendly, welcoming atmosphere and its smalltown feel.

Growth & Development

Goal GD 1: Develop a mix of land uses throughout the city that balance housing and employment while preserving the qualities that make Coeur d'Alene a great place to live.

Objective GD 1.3: Promote mixed use development and small-scale commercial uses to ensure that neighborhoods have services within walking and biking distances.

Objective GD 1.4: Increase pedestrian walkability and access within commercial development.

Objective GD 1.6 Revitalize existing and create new business districts to promote opportunities for jobs, services, and housing, and ensure maximum economic development potential throughout the community.

Goal GD 2: Ensure appropriate, high-quality infrastructure to accommodate community needs and future growth.

Objective GD 2.1: Ensure appropriate, high-quality infrastructure to accommodate growth and redevelopment.

Jobs & Economy

Goal JE 1: Retain, grow, and attract businesses.

Objective JE 1.2: Foster a pro-business culture that supports economic growth.

Objective JE 3.2: Develop public-private partnerships to develop the type of office and amenities desired by startups.

B8B. The design and planning of the site **(is) (is not)** compatible with the location, setting, and existing uses on adjacent properties. This is based on

Criteria to consider for B8B:

- 1. Does the density or intensity of the project "fit " the surrounding area?
- 2. Is the proposed development compatible with the existing land use pattern i.e. residential, commercial, residential w churches & schools etc?
- 3. Is the design and appearance of the project compatible with the surrounding neighborhood in terms of architectural style, layout of buildings, building height and bulk, off-street parking, open space, and landscaping?

B8C The location, design, and size of the proposal are such that the development **(will) (will not)** be adequately served by existing streets, public facilities and services. This is based on

Criteria to consider B8C:

- 1. Is there water available to meet the minimum requirements for domestic consumption & fire flow?
- 2. Can sewer service be provided to meet minimum requirements?
- 3. Can police and fire provide reasonable service to the property?

C. ORDER: CONCLUSION AND DECISION

The Planning Commission, pursuant to the aforementioned, finds that TRAVIS WHITE for a special use permit, as described in the application should be **(approved) (denied) (denied without prejudice)**.

Special conditions applied are as follows:

Water

- 1. The proposed use may require changes to backflow protection which will be the responsibility of the facility owner to comply with at their expense.

Wastewater

- 2. Sewer CAP Fees will be calculated and due during the permitting process or at any time of observed expanded use of the property.
- 3. Further Wastewater requirements will be due at time of Building Permit if Indoor/Outdoor seating and there will be Pretreatment requirements if there will be full commercial kitchen or food preparation.

Motion by _____, seconded by _____, to adopt the foregoing Findings and Order.

ROLL CALL:

Commissioner Fleming	Voted _____
Commissioner Ingalls	Voted _____
Commissioner Luttrupp	Voted _____
Commissioner Mandel	Voted _____
Commissioner McCracken	Voted _____
Commissioner Ward	Voted _____
Chairman Messina	Voted _____

Commissioners _____ were absent.

Motion to _____ carried by a ____ to ____ vote.

CHAIRMAN TOM MESSINA

**COEUR D'ALENE PLANNING COMMISSION
FINDINGS AND ORDER**

ZC-3-22

A. INTRODUCTION

This matter having come before the Planning Commission on, December 13, 2022, and there being present a person requesting approval of ZC-3-22 , a request for a zone change from R-12PUD and C-17PUD to R-17PUD zoning district

APPLICANT: RIVER'S EDGE APARTMENTS, LLC

LOCATION: 3528 & 3404 W. SELTICE WAY

B. FINDINGS: JUSTIFICATION FOR THE DECISION/CRITERIA, STANDARDS AND FACTS RELIED UPON

The Planning Commission (adopts) (does not adopt) Items B1 to B7.

- B1. That the existing land uses are Residential and Commercial.
- B2. That the Comprehensive Plan Map designation is Planned Development Place type.
- B3. That the zoning is R-12PUD.
- B4. That the notice of public hearing was published on November 19, 2022 , which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on November 17, 2022, which fulfills the proper legal requirement.
- B6. That notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property.
- B7. That public testimony was heard on December 13, 2022.

- B8. That this proposal **(is) (is not)** in conformance with the Comprehensive Plan policies as follows:

Goal CI 1

Coeur d'Alene citizens are well informed, responsive, and involved in community discussions.

OBJECTIVE CI 1.1

Foster broad-based and inclusive community involvement for actions affecting businesses and residents to promote community unity and involvement.

Goal CI 3

Coeur d'Alene will strive to be livable for median and below income levels, including young families, working class, low income, and fixed income households.

OBJECTIVE CI 3.1

Support efforts to preserve existing housing stock and provide opportunities for new affordable and workforce housing.

Environment & Recreation

Goal ER 1

Preserve and enhance the beauty and health of Coeur d'Alene's natural environment.

OBJECTIVE ER 1.1

Manage shoreline development to address stormwater management and improve water quality.

OBJECTIVE ER 1.4

Reduce water consumption for landscaping throughout the city.

Goal ER 2

Provide diverse recreation options.

OBJECTIVE ER 2.2

Encourage publicly-owned and/or private recreation facilities for citizens of all ages. This includes sports fields and facilities (both outdoor and indoor), hiking and biking pathways, open space, passive recreation, and water access for people and motorized and non-motorized watercraft.

OBJECTIVE ER 2.3

Encourage and maintain public access to mountains, natural areas, parks, and trails that are easily accessible by walking and biking.

Growth & Development

Goal GD 1

Develop a mix of land uses throughout the city that balance housing and employment while preserving the qualities that make Coeur d'Alene a great place to live.

OBJECTIVE GD 1.1

Achieve a balance of housing product types and price points, including affordable housing, to meet city needs.

OBJECTIVE GD 1.3

Promote mixed use development and small-scale commercial uses to ensure that neighborhoods have services within walking and biking distance.

OBJECTIVE GD 1.5

Recognize neighborhood and district identities.

OBJECTIVE GD 1.7

Increase physical and visual access to the lakes and rivers.

Goal GD 3

Support the development of a multimodal transportation system for all users.

OBJECTIVE GD 3.1

Provide accessible, safe, and efficient traffic circulation for motorized, bicycle and pedestrian modes of transportation.

- B9. That public facilities and utilities **(are) (are not)** available and adequate for the proposed use. This is based on

Criteria to consider for B9:

1. Can water be provided or extended to serve the property?
2. Can sewer service be provided or extended to serve the property?
3. Does the existing street system provide adequate access to the property?
4. Is police and fire service available and adequate to the property?

B10. That the physical characteristics of the site **(do) (do not)** make it suitable for the request at this time because

Criteria to consider for B10:

1. Topography
2. Streams
3. Wetlands
4. Rock outcroppings, etc.
5. vegetative cover

B11. That the proposal **(would) (would not)** adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, **(and) (or)** existing land uses because

Criteria to consider for B11:

1. Traffic congestion
2. Is the proposed zoning compatible with the surrounding area in terms of density, types of uses allowed or building types allowed
3. Existing land use pattern i.e. residential, commercial, residential w churches & schools etc.

C. ORDER: CONCLUSION AND DECISION

The Planning Commission, pursuant to the aforementioned, finds that the request of RIVERS EDGE, LLC for a zone change, as described in the application should be **(approved) (denied) (denied without prejudice)**.

Special conditions applied are as follows:

- 1) The PUD requested in PUD-2-19m2 is only valid if the Special Use Permit (SP-5-22) is approved by the Planning Commission and the Zone Change (ZC-3-22) is approved by City Council.
- 2) A Lighting Plan must be submitted as part of the building permits for any new apartment buildings indicating full cut off lighting.
- 3) If docks are to be constructed, the Fire Department will require access to the docks including a standpipe system.
- 4) The Idaho Department of Lands will need to review and approve any dock permits.
- 5) Any additional water service will require cap fees due at time of building permitting.
- 6) Any additional main extensions and/or fire hydrants and services will be the responsibility of the developer at their expense.
- 7) Dead-end fire apparatus access roads over 150 feet in length requires FD approved turn-around. Turning radiuses for FD is 25' interior and 50' exterior.
- 8) Temporary Street signs and Address's shall be installed until permanent signs/address are installed.
- 9) FD access streets designed to hold an imposed load of 75,000 lbs. Minimum FD access width is 20' and 26' with a hydrant.
- 10) Trees are prohibited to be planted over HARSB sewer outfall pipe line easement.
- 11) A Traffic Mitigation Plan should be funded by the applicant to identify congestion mitigation measures that can be funded by development impact fees prior to reaching the forecasted congestion levels. The Traffic Mitigation Plan shall be subject to only two intersections, the Seltice-Atlas intersection and the Seltice-Northwest Boulevard intersection. The engineering firm performing the Traffic Mitigation Plan will be chosen by the City from the City's approved on-call consultant list.
- 12) Soften the 90 degree "sharp" turn in the trail on the western edge of the property.
- 13) Use 'Driveway Mix' asphalt in the construction of the trail.
- 14) Sterilize the ground with herbicide before laying down gravel and asphalt.
- 15) Maintain landscaping and amenities into perpetuity
- 16) Wastewater requires hydraulic modeling of the Mill River Sewer Pump Station with the request for increased density.
- 17) The Subject Property is within the City of Coeur d'Alene and in accordance with the 2013 Sewer Master Plan; the City's Wastewater Utility presently has the wastewater system capacity, willingness and intent to serve this PUD request as proposed but any increase in density will require hydraulic modeling of the added PUD sewer flows into the Mill River Pump Station.
- 18) A utility easement or R/W for the public sewer shall be dedicated to the City prior to building permits.

- 19) An unobstructed City approved “all-weather” access shall be required over all city sewers.
- 20) Payment of the Mill River Lift Station Surcharge Fee shall be required on all building permits.
- 21) This PUD shall be required to comply with the City’s One Lot-One Lateral Rule.
- 22) All sewerage lines beyond and upstream of the public sewer connection shall be privately owned and maintained by the PUD’s Owner at no cost to the City.
- 23) All public sewer plans require IDEQ or QLPE Approval prior to construction.
- 24) That five percent (5%) of the proposed 296 new units be available to people making Coeur d’Alene’s Area Median Income (AMI) for a 4 person household. This for a period of 5 years commencing when the first buildings Certificate of Occupancy is issued. The applicant shall provide annual reports to the Planning Department comprised of rent rolls and application data for the renters qualifying for these units.
- 25) The maximum number of units for the overall project be restricted to 680.
- 26) The public trail and river front open space area(s) along the river is completed and installed before occupancy permits are issued for any of the new nine proposed apartment buildings.
- 27) An Open Space and Public Access easement with the City of Coeur d’Alene must be recorded prior to construction.
- 28) All modification requests are adhered too, as stated below:
 - Decrease the maximum building height to 55’ rather than 63 feet as allowed by the R-34;
 - Increase the maximum building height to 55’ rather than 32 feet within 150 feet of the high water mark as required by the Shoreline Ordinance;
 - Remove the 431 unit mini-storage facility;
 - Remove the single-family residential units along the Spokane River;
 - Replace the single-family residential units 32 feet tall set 40 feet back from the Spokane River with multifamily residential units at a height of 55 feet set 80 feet back from the Spokane River;
 - Modify the number of structures from 12 multifamily 4-story buildings, totaling 384 units, one clubhouse, and 28 single-family units to 21 multifamily 4-story buildings, totaling 680 units, and one clubhouse;
 - Decrease the maximum number of units to 680 rather than 881 units as allowed in the R-34;
 - Allow for the pedestrian trail and open space amenities including docks and dock ramps to be built within 40 of the highwater mark; and
 - Decrease the overall density of the project to 26.4 units per acres rather than 34 units per acre.

Motion by _____, seconded by _____, to adopt the foregoing Findings and Order.

ROLL CALL:

Commissioner Fleming	Voted _____
Commissioner Ingalls	Voted _____
Commissioner Luttrupp	Voted _____
Commissioner Mandel	Voted _____
Commissioner McCracken	Voted _____
Commissioner Ward	Voted _____
Chairman Messina	Voted _____

Commissioners _____ were absent.

Motion to _____ carried by a ____ to ____ vote.

CHAIRMAN MESSINA

**COEUR D'ALENE PLANNING COMMISSION
FINDINGS AND ORDER**

PUD-2-19m2

A. INTRODUCTION

This matter having come before the Planning Commission on December 13, 2022, and there being present a person requesting approval of: PUD-2-19m2 a request for a modification of a planned unit development known as "Rivers Edge".

APPLICANT: RIVER'S EDGE APARTMENTS, LLC

LOCATION: 3528 & 3404 W. SELTICE WAY

B. FINDINGS: JUSTIFICATION FOR THE DECISION/CRITERIA, STANDARDS AND FACTS RELIED UPON

The Planning Commission (adopts) (does not adopt) Items B1 to B7.

- B1. That the existing land uses are Residential and Commercial.
- B2. That the Comprehensive Plan Map designation is Planned Development Place type.
- B3. That the zoning is R-12PUD.
- B4. That the notice of public hearing was published on November 19, 2022 , which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on November 17, 2022, which fulfills the proper legal requirement.
- B6. That notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property.
- B7. That public testimony was heard on December 13, 2022.

B8. Pursuant to Section 17.07.230, Planned Unit Development Review Criteria, a planned unit development may be approved only if the proposal conforms to the following criteria to the satisfaction of the Planning Commission:

B8A. The proposal **(is) (is not)** in conformance with the Comprehensive Plan. This is based upon the following policies:

Goal CI 1

Coeur d'Alene citizens are well informed, responsive, and involved in community discussions.

OBJECTIVE CI 1.1

Foster broad-based and inclusive community involvement for actions affecting businesses and residents to promote community unity and involvement.

Goal CI 3

Coeur d'Alene will strive to be livable for median and below income levels, including young families, working class, low income, and fixed income households.

OBJECTIVE CI 3.1

Support efforts to preserve existing housing stock and provide opportunities for new affordable and workforce housing.

Environment & Recreation

Goal ER 1

Preserve and enhance the beauty and health of Coeur d'Alene's natural environment.

OBJECTIVE ER 1.1

Manage shoreline development to address stormwater management and improve water quality.

OBJECTIVE ER 1.4

Reduce water consumption for landscaping throughout the city.

Goal ER 2

Provide diverse recreation options.

OBJECTIVE ER 2.2

Encourage publicly-owned and/or private recreation facilities for citizens of all ages. This includes sports fields and facilities (both outdoor and indoor), hiking and biking pathways, open space, passive recreation, and water access for people and motorized and non-motorized watercraft.

OBJECTIVE ER 2.3

Encourage and maintain public access to mountains, natural areas, parks, and trails that are easily accessible by walking and biking.

Growth & Development

Goal GD 1

Develop a mix of land uses throughout the city that balance housing and employment while preserving the qualities that make Coeur d'Alene a great place to live.

OBJECTIVE GD 1.1

Achieve a balance of housing product types and price points, including affordable housing, to meet city needs.

OBJECTIVE GD 1.3

Promote mixed use development and small-scale commercial uses to ensure that neighborhoods have services within walking and biking distance.

OBJECTIVE GD 1.5

Recognize neighborhood and district identities.

OBJECTIVE GD 1.7

Increase physical and visual access to the lakes and rivers.

Goal GD 3

Support the development of a multimodal transportation system for all users.

OBJECTIVE GD 3.1

Provide accessible, safe, and efficient traffic circulation for motorized, bicycle and pedestrian modes of transportation.

B8B. The design and planning of the site **(is) (is not)** compatible with the location, setting and existing uses on adjacent properties. This is based on

Criteria to consider for B8B:	
1. Density	6. Open space
2. Architectural style	7. Landscaping
3. Layout of buildings	
4. Building heights & bulk	
5. Off-street parking	

B8C The proposal **(is) (is not)** compatible with natural features of the site and adjoining

properties. In the case of property located within the hillside overlay zone, does not create soil erosion, sedimentation of lower slopes, slide damage, or flooding problems; prevents surface water degradation, or severe cutting or scarring; reduces the risk of catastrophic wildfire in the wildland urban interface; and complements the visual character and nature of the city. This is based on

- Criteria to consider for B8C:**
- | | |
|-----------------------------|---|
| 1. Topography | 3. Native vegetation |
| 2. Wildlife habitats | 4. Streams & other water areas |

B8D The location, design, and size of the proposal are such that the development **(will)** **(will not)** be adequately served by existing streets, public facilities and services. This is based on

- Criteria to consider for B8D:**
- 1. Is there water available to meet the minimum requirements for domestic consumption & fire flow?**
 - 2. Can sewer service be provided to meet minimum requirements?**
 - 3. Can the existing street system accommodate the anticipated traffic to be generated by this development?**
 - 4. Can police and fire provide reasonable service to the**

B8E The proposal **(does)** **(does not)** provide adequate private common open space area, as determined by the Commission, no less than 10% of gross land area, free of buildings, streets, driveways or parking areas. The common open space shall be accessible to all users of the development and usable for open space and recreational purposes. This is based on

B8F Off-street parking **(does)****(does not)** provide parking sufficient for users of the

development. This is based on

B8G That the proposal **(does) (does not)** provide for an acceptable method for the perpetual maintenance of all common property. This is based on

C. ORDER: CONCLUSION AND DECISION

The Planning Commission, pursuant to the aforementioned, finds that the request of RIVER'S EDGE APARTMENTS, LLC for approval of the planned unit development, as described in the application should be **(approved) (denied) (denied without prejudice)**.

Special conditions applied are

- 1) The PUD requested in PUD-2-19m2 is only valid if the Special Use Permit (SP-5-22) is approved by the Planning Commission and the Zone Change (ZC-3-22) is approved by City Council.
- 2) A Lighting Plan must be submitted as part of the building permits for any new apartment buildings indicating full cut off lighting.
- 3) If docks are to be constructed, the Fire Department will require access to the docks including a standpipe system.
- 4) The Idaho Department of Lands will need to review and approve any dock permits.
- 5) Any additional water service will require cap fees due at time of building permitting.
- 6) Any additional main extensions and/or fire hydrants and services will be the responsibility of the developer at their expense.
- 7) Dead-end fire apparatus access roads over 150 feet in length requires FD approved turn-around. Turning radiuses for FD is 25' interior and 50' exterior.
- 8) Temporary Street signs and Address's shall be installed until permanent signs/address are installed.
- 9) FD access streets designed to hold an imposed load of 75,000 lbs. Minimum FD access width is 20' and 26' with a hydrant.
- 10) Trees are prohibited to be planted over HARSB sewer outfall pipe line easement.

- 11) A Traffic Mitigation Plan should be funded by the applicant to identify congestion mitigation measures that can be funded by development impact fees prior to reaching the forecasted congestion levels. The Traffic Mitigation Plan shall be subject to only two intersections, the Seltice-Atlas intersection and the Seltice-Northwest Boulevard intersection. The engineering firm performing the Traffic Mitigation Plan will be chosen by the City from the City's approved on-call consultant list.
- 12) Soften the 90 degree "sharp" turn in the trail on the western edge of the property.
- 13) Use 'Driveway Mix' asphalt in the construction of the trail.
- 14) Sterilize the ground with herbicide before laying down gravel and asphalt.
- 15) Maintain landscaping and amenities into perpetuity
- 16) Wastewater requires hydraulic modeling of the Mill River Sewer Pump Station with the request for increased density.
- 17) The Subject Property is within the City of Coeur d'Alene and in accordance with the 2013 Sewer Master Plan; the City's Wastewater Utility presently has the wastewater system capacity, willingness and intent to serve this PUD request as proposed but any increase in density will require hydraulic modeling of the added PUD sewer flows into the Mill River Pump Station.
- 18) A utility easement or R/W for the public sewer shall be dedicated to the City prior to building permits.
- 19) An unobstructed City approved "all-weather" access shall be required over all city sewers.
- 20) Payment of the Mill River Lift Station Surcharge Fee shall be required on all building permits.
- 21) This PUD shall be required to comply with the City's One Lot-One Lateral Rule.
- 22) All sewerage lines beyond and upstream of the public sewer connection shall be privately owned and maintained by the PUD's Owner at no cost to the City.
- 23) All public sewer plans require IDEQ or QLPE Approval prior to construction.
- 24) That five percent (5%) of the proposed 296 new units be available to people making Coeur d'Alene's Area Median Income (AMI) for a 4 person household. This for a period of 5 years commencing when the first buildings Certificate of Occupancy is issued. The applicant shall provide annual reports to the Planning Department comprised of rent rolls and application data for the renters qualifying for these units.
- 25) The maximum number of units for the overall project be restricted to 680.
- 26) The public trail and river front open space area(s) along the river is completed and installed before occupancy permits are issued for any of the new nine proposed apartment buildings.
- 27) An Open Space and Public Access easement with the City of Coeur d'Alene must be recorded prior to construction.
- 28) All modification requests are adhered too, as stated below:
 - Decrease the maximum building height to 55' rather than 63 feet as allowed by the R-34;
 - Increase the maximum building height to 55' rather than 32 feet within 150 feet of the high water

mark as required by the Shoreline Ordinance;

- Remove the 431 unit mini-storage facility;
- Remove the single-family residential units along the Spokane River;
- Replace the single-family residential units 32 feet tall set 40 feet back from the Spokane River with multifamily residential units at a height of 55 feet set 80 feet back from the Spokane River;
- Modify the number of structures from 12 multifamily 4-story buildings, totaling 384 units, one clubhouse, and 28 single-family units to 21 multifamily 4-story buildings, totaling 680 units, and one clubhouse;
- Decrease the maximum number of units to 680 rather than 881 units as allowed in the R-34;
- Allow for the pedestrian trail and open space amenities including docks and dock ramps to be built within 40 of the highwater mark; and
- Decrease the overall density of the project to 26.4 units per acres rather than 34 units per acre.

Motion by _____ seconded by _____ to adopt the foregoing Findings and Order.

ROLL CALL:

Commissioner Fleming	Voted _____
Commissioner Ingalls	Voted _____
Commissioner Luttrupp	Voted _____
Commissioner Mandel	Voted _____
Commissioner McCracken	Voted _____
Commissioner Ward	Voted _____
Chairman Messina	Voted _____

Commissioners _____ were absent.

Motion to _____ carried by a ____ to ____ vote.

CHAIRMAN TOM MESSINA

**COEUR D'ALENE PLANNING COMMISSION
FINDINGS AND ORDER**

SP-5-22

A. INTRODUCTION

This matter having come before the Planning Commission on December 13, 2022, and there being present a person requesting approval of ITEM SP-5-22, a request for a Density Increase special use permit in the R-12PUD & R-17PUD zoning district.

APPLICANT: RIVER'S EDGE APARTMENTS, LLC

LOCATION: 3528 & 3404 W. SELTICE WAY

B. FINDINGS: JUSTIFICATION FOR THE DECISION/CRITERIA, STANDARDS AND FACTS RELIED UPON

(The Planning Commission may adopt Items B1 to B7.)

- B1. That the existing land uses are Residential and Commercial.
- B2. That the Comprehensive Plan Map designation is Planned Development Place type.
- B3. That the zoning is R-12PUD.
- B4. That the notice of public hearing was published on November 19, 2022 , which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on November 17, 2022, which fulfills the proper legal requirement.
- B6. That notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property.
- B7. That public testimony was heard on December 13, 2022.

B8. Pursuant to Section 17.09.220, Special Use Permit Criteria, a special use permit may be approved only if the proposal conforms to all of the following criteria to the satisfaction of the City Council:

B8A. The proposal **(is) (is not)** in conformance with the comprehensive plan, as follows:

Goal CI 1

Coeur d'Alene citizens are well informed, responsive, and involved in community discussions.

OBJECTIVE CI 1.1

Foster broad-based and inclusive community involvement for actions affecting businesses and residents to promote community unity and involvement.

Goal CI 3

Coeur d'Alene will strive to be livable for median and below income levels, including young families, working class, low income, and fixed income households.

OBJECTIVE CI 3.1

Support efforts to preserve existing housing stock and provide opportunities for new affordable and workforce housing.

Environment & Recreation

Goal ER 1

Preserve and enhance the beauty and health of Coeur d'Alene's natural environment.

OBJECTIVE ER 1.1

Manage shoreline development to address stormwater management and improve water quality.

OBJECTIVE ER 1.4

Reduce water consumption for landscaping throughout the city.

Goal ER 2

Provide diverse recreation options.

OBJECTIVE ER 2.2

Encourage publicly-owned and/or private recreation facilities for citizens of all ages. This includes sports fields and facilities (both outdoor and indoor), hiking and biking pathways, open space, passive recreation, and water access for people and motorized and non-motorized watercraft.

OBJECTIVE ER 2.3

Encourage and maintain public access to mountains, natural areas, parks, and trails that are easily accessible by walking and biking.

Growth & Development

Goal GD 1

Develop a mix of land uses throughout the city that balance housing and employment while preserving the qualities that make Coeur d'Alene a great place to live.

OBJECTIVE GD 1.1

Achieve a balance of housing product types and price points, including affordable housing, to meet city needs.

OBJECTIVE GD 1.3

Promote mixed use development and small-scale commercial uses to ensure that neighborhoods have services within walking and biking distance.

OBJECTIVE GD 1.5

Recognize neighborhood and district identities.

OBJECTIVE GD 1.7

Increase physical and visual access to the lakes and rivers.

Goal GD 3

Support the development of a multimodal transportation system for all users.

OBJECTIVE GD 3.1

Provide accessible, safe, and efficient traffic circulation for motorized, bicycle and pedestrian modes of transportation.

B8B. The design and planning of the site **(is) (is not)** compatible with the location, setting, and existing uses on adjacent properties. This is based on

Criteria to consider for B8B:

1. Does the density or intensity of the project "fit " the surrounding area?
2. Is the proposed development compatible with the existing land use pattern i.e. residential, commercial, residential w churches & schools etc?
3. Is the design and appearance of the project compatible with the surrounding neighborhood in terms of architectural style, layout of buildings, building height and bulk, off-street parking, open space, and landscaping?

For R-34, also make the finding that the proposal is in close proximity to shopping, schools and park areas.

B8C The location, design, and size of the proposal are such that the development **(will)** **(will not)** be adequately served by existing streets, public facilities and services.

This is based on

- Criteria to consider B8C:**
1. **Is there water available to meet the minimum requirements for domestic consumption & fire flow?**
 2. **Can sewer service be provided to meet minimum requirements?**
 3. **Can police and fire provide reasonable service to the property?**

For R-34, also make the finding that the proposal is in close proximity to an arterial, as defined in the Coeur d'Alene transportation plan (KMPO's current Metropolitan Transportation Plan), sufficient to handle the amount of traffic generated by the request in addition to that of the surrounding neighborhood; and the project and accessing street must be designed in such a way so as to minimize vehicular traffic through adjacent residential neighborhoods.

C. ORDER: CONCLUSION AND DECISION

The Planning Commission, pursuant to the aforementioned, finds that for a special use permit, as described in the application should be **(approved) (denied) (denied without prejudice)**.

Special conditions applied are as follows:

- 1) The PUD requested in PUD-2-19m2 is only valid if the Special Use Permit (SP-5-22) is approved by the Planning Commission and the Zone Change (ZC-3-22) is approved by City Council.
- 2) A Lighting Plan must be submitted as part of the building permits for any new apartment buildings indicating full cut off lighting.
- 3) If docks are to be constructed, the Fire Department will require access to the docks including a standpipe system.
- 4) The Idaho Department of Lands will need to review and approve any dock permits.
- 5) Any additional water service will require cap fees due at time of building permitting.
- 6) Any additional main extensions and/or fire hydrants and services will be the responsibility of the developer at their expense.
- 7) Dead-end fire apparatus access roads over 150 feet in length requires FD approved turn-around. Turning radiuses for FD is 25' interior and 50' exterior.
- 8) Temporary Street signs and Address's shall be installed until permanent signs/address are installed.
- 9) FD access streets designed to hold an imposed load of 75,000 lbs. Minimum FD access width is 20' and 26' with a hydrant.
- 10) Trees are prohibited to be planted over HARSB sewer outfall pipe line easement.
- 11) A Traffic Mitigation Plan should be funded by the applicant to identify congestion mitigation measures that can be funded by development impact fees prior to reaching the forecasted congestion levels. The Traffic Mitigation Plan shall be subject to only two intersections, the Seltice-Atlas intersection and the Seltice-Northwest Boulevard intersection. The engineering firm performing the Traffic Mitigation Plan will be chosen by the City from the City's approved on-call consultant list.
- 12) Soften the 90 degree "sharp" turn in the trail on the western edge of the property.
- 13) Use 'Driveway Mix' asphalt in the construction of the trail.
- 14) Sterilize the ground with herbicide before laying down gravel and asphalt.
- 15) Maintain landscaping and amenities into perpetuity
- 16) Wastewater requires hydraulic modeling of the Mill River Sewer Pump Station with the request for increased density.
- 17) The Subject Property is within the City of Coeur d'Alene and in accordance with the 2013 Sewer Master Plan; the City's Wastewater Utility presently has the wastewater system capacity, willingness and intent to serve this PUD request as proposed but any increase in density will require hydraulic modeling of the added PUD sewer flows into the Mill River Pump Station.
- 18) A utility easement or R/W for the public sewer shall be dedicated to the City prior to building permits.

- 19) An unobstructed City approved “all-weather” access shall be required over all city sewers.
- 20) Payment of the Mill River Lift Station Surcharge Fee shall be required on all building permits.
- 21) This PUD shall be required to comply with the City’s One Lot-One Lateral Rule.
- 22) All sewerage lines beyond and upstream of the public sewer connection shall be privately owned and maintained by the PUD’s Owner at no cost to the City.
- 23) All public sewer plans require IDEQ or QLPE Approval prior to construction.
- 24) That five percent (5%) of the proposed 296 new units be available to people making Coeur d’Alene’s Area Median Income (AMI) for a 4 person household. This for a period of 5 years commencing when the first buildings Certificate of Occupancy is issued. The applicant shall provide annual reports to the Planning Department comprised of rent rolls and application data for the renters qualifying for these units.
- 25) The maximum number of units for the overall project be restricted to 680.
- 26) The public trail and river front open space area(s) along the river is completed and installed before occupancy permits are issued for any of the new nine proposed apartment buildings.
- 27) An Open Space and Public Access easement with the City of Coeur d’Alene must be recorded prior to construction.
- 28) All modification requests are adhered too, as stated below:
 - Decrease the maximum building height to 55’ rather than 63 feet as allowed by the R-34;
 - Increase the maximum building height to 55’ rather than 32 feet within 150 feet of the high water mark as required by the Shoreline Ordinance;
 - Remove the 431 unit mini-storage facility;
 - Remove the single-family residential units along the Spokane River;
 - Replace the single-family residential units 32 feet tall set 40 feet back from the Spokane River with multifamily residential units at a height of 55 feet set 80 feet back from the Spokane River;
 - Modify the number of structures from 12 multifamily 4-story buildings, totaling 384 units, one clubhouse, and 28 single-family units to 21 multifamily 4-story buildings, totaling 680 units, and one clubhouse;
 - Decrease the maximum number of units to 680 rather than 881 units as allowed in the R-34;
 - Allow for the pedestrian trail and open space amenities including docks and dock ramps to be built within 40 of the highwater mark; and
 - Decrease the overall density of the project to 26.4 units per acres rather than 34 units per acre.

Motion by _____, seconded by _____, to adopt the foregoing Findings and Order.

ROLL CALL:

Commissioner Fleming	Voted _____
Commissioner Ingalls	Voted _____
Commissioner Luttrupp	Voted _____
Commissioner Mandel	Voted _____
Commissioner McCracken	Voted _____
Commissioner Ward	Voted _____
Chairman Messina	Voted _____

Commissioners _____ were absent.

Motion to _____ carried by a ____ to ____ vote.

CHAIRMAN TOM MESSINA